

Tetrachordon: EXPOSITIONS UPON

The foure chief places in Scripture,
which treat of Mariage, or nullities in Mariage.

On { Gen. 1. 27. 28. compar'd and explain'd by Gen. 2.
Deut. 24. 1. 2. (18. 23. 24.
Matth. 5. 31. 32. with Matth. 19. from the 3^d. v. to
1 Cor. 7. from the 10th to the 16th. (the 11th.)

Wherin the Doctrine and Discipline of Divorce, as was
lately publish'd, is confirm'd by explanation of Scrip-
ture, by testimony of ancient Fathers, of civill lawes
in the Primitive Church, of famousst
Reformed Divines,

And lastly, by an intended Act of the Parliament and
Church of England in the last yeare of
EDWARD the sixth.

By the former Author *J. M.*

—Σκαιοῖσι καὶ γὰρ προσφέρων σφά-
δόξεις ἀχρεῖος, καὶ οὐ σοφὸς πέφυκέναι.
Τῶν δ' αὖ δοκούντων εἰδέναι τι ποικίλον,
Κρείσσαν νομοθεῖς ἐν πόλει, λυπρὸς φανῇ. *Euripid. Medea.*

L O N D O N :
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TO THE PARLIAMENT.

THat which I knew to be the part of a good Magistrate, aiming at true liberty through the right information of religion and civil life, and that which I saw, and was partaker, of your Vows and solemn Covenants, Parliament of England, your actions also manifestly tending to exalt the truth, and to depresse the tyranny of error, and ill custome, with more constancy and prowesse then ever yet any, since that Parliament which put the first Scepter of this Kingdom into his hand whom God and extraordinary vertue made thir Monarch, were the causes that mov'd me, one else not placing much in the eminence of a dedication, to present your high notice with a Discourse, conscious to it self of nothing more then of diligence, and firm affection to the publick good. And that ye took it so as wise and impartial men, obtaining so great power and dignitie, are wont to accept, in matters both doubtfull and important, what they think offer'd them well meant, and from a rational ability, I had no lesse then to perswade me. And on that perswasion am return'd, as to a famous and free Port, my self also bound by more then a maritime Law, to expose as freely what fraught age I conceive to bring of no trifles. For although it be generally known, how and by whom ye have been instigated to a hard censure of that former book entitl'd, *The Doctrine, and Discipline of Divorce*, an opinion held by some of the best among reformed Writers without scandal or confutement, though now thought new and dangerous by some of our severe Gnostics, whose little reading, and lesse meditating holds ever with hardest obstinacy that which it took up with easiest credulity, I do not find yet that ought, for the furious incitements which have been us'd, haib issu'd by your appointment, that might give the least interruption or disrepute either to the Author, or to the Book. Which he who will be better advis'd then to call your neglect, or connivence at a thing imagin'd so perillous, can attribute it to nothing more justly, then to the deep and quiet streame of your direct and calme deliberations; that gave not way either to the fervent rashnesse, or the immaterial gravity of those who ceas'd not to exasperate without cause. For which uprightnesse and incorrupt refusal of what ye were incens'd to, Lords and Commons, (though it were don to justice, not to me, and was a peculiar demonstration how farre your waies are different from the rash vulgar) besides those allegiances of oath and duty,

duty, which are my publick debts to your publick labours, I have yet a store
 of gratitude laid up, which cannot be exhausted; and such thanks perhaps
 they may live to see, as shall more then whisper to the next ages. Yet that the
 Author may be known to ground himself upon his own innocence, and the
 merit of his cause, not upon the favour of a diversion, or a delay to any just
 censure, but wishes rather he might see those his detractors at any fair mee-
 ting, as learned debates are privileg'd with a due freedom under
 equall Moderators, I shall here briefly single one of them (because he hath
 oblig'd me to it) who I perswade me having scarce read the book, nor know-
 ing him who writ it, or at least fainting the latter, hath not forbore to scan-
 dalize him, unconfess'd with, unadmonish'd, undealt with by any Pastorly
 or brotherly conviction, in the most open and invective manner, and at
 the most bitter opportunity that drift or set designe could have invented.
 And this, when as the Canon Law, though commonly most favouring the
 boldnesse of their Priests, punishes the naming or traducing of any person
 in the Pulpit, was by him made no scruple. If I shall therefore take licence
 by the right of nature, and that liberty wherein I was born, to defend my
 self publickly against a printed Calumny, and do willingly appeal to those
 Judges to whom I am accus'd, it can be no immoderate, or unallowable
 course of seeking so just and needfull reparations. Which I had don long
 since, had not these employments, which are now visible, deferr'd me. It was
 preach'd before ye, Lords and Commons, in August last upon a special day
 of humiliation, that there was a wicked Book abroad, and ye were
 taxt of sin that it was yet uncensur'd, the book deserving to be burnt,
 and impudence also was charg'd upon the Author, who durst set his
 name to it, and dedicate it to your selves. First, Lords and Com-
 mons, I pray to that God, before whom ye then were prostrate, so to forgive
 ye those omissions and trespasses, which ye desire most should find forgiveness,
 as I shall soon shew to the world how easily ye absolve your selves of that
 which this man calls your sin, and is indeed your wisdom, and your Noble-
 nesse, whereof to this day ye have don well not to repent. He terms it a
 wicked book, and why but for allowing other causes of Divorce,
 then Christ and his Apostles mention; and with the same censure
 condemns of wickednesse not onely Martin Bucer that elect Instrument of
 Reformation, highly honour'd and had in reverence by Edward the sixth,
 and his whole Parliament, whom also I had publisht in English by a good
 providence, about a week before this calumnious digression was preach'd;
 so that if he knew not Bucer then, as he ought to have known, he might at
 least have known him some months after, ere the Sermon came in print,

wherein notwithstanding he persists in his former sentence, and condemns again of wickedness, either ignorantly or wilfully, not only Martin Bucer, and all the choicest and best of our Reformers, but the whole Parliament and Church of England in those best and purest times of Edward the sixth. All which I shall prove with good evidence, at the end of these Explanations. And then let it be judg'd and seriously consider'd with what hope the affairs of our Religion are committed to one among others, who hath now only left him which of the two in he will choose, whether this shall be his palpable ignorance, or the same wickedness of his own book, which he so lavishly imputes to the writings of other men: and whether this of his, that thus peremptorily defames and attaints of wickedness spotted Churches, blemish'd Parliaments, and the most eminent restorers of Christian Doctrine, deserve not to be burnt first. And if his heat had burst out only against the opinion, his wonted passion had no doubt bin silently born with wonted patience. But since against the charity of that solemn place and meeting, it serv'd him further to inveigh opprobriously against the person, branding him with no lesse then impudence, only for setting his name to what he had writt'n, I must be excus'd not to be so wanting to the defence of an honest name, or to the reputation of those good men who afford me their society, but to be sensible of such a foule endeavour'd disgrace: not knowing ought either in mine own deserts, or the Laws of this Land, why I should be subject, in such a notorious and illegal manner, to the intemperancies of this mans preaching choler. And indeed to be so prompt and ready in the midst of his humbleness, toasse reproaches of this bulk and size, argues as if they were the weapons of his exercise, I am sure not of his Ministry, or of that dayes work. Certainly to subscribe my name at what I was to own, was what the State had order'd and requires. And he who lists not to be malicious, would call it ingenuity, cleer conscience, willingness to avouch what might be question'd, or to be better instructed. And if God were so displeas'd with those, Isa. 58. who on the solemn fast were wont to smite with the fist of wickedness, it could be no signe of his own humiliation accepted, which dispos'd him to smite so keenly with a reviling tongue. But if only to have writ my name must be counted impudence, how doth this but justifie another, who might affirm with as good warrant, that the late Discourse of Scripture and Reason, which is certain to be chiefly his own draught, was publish'd without a name, out of base fear, and the sly avoidance of what might follow to his detriment, if the party at Court should hap to reach him. And I, to have set my name, where he accuses me to have set it, am so far from recanting, that I offer my hand also if need be, to make good the same opinion which I here maintain, by inevitable consequences drawn parallel from his own principal arguments in that of Scripture and Reason;

son; which I shall pardon him, if he can deny, without shaking his own composition to pieces. The impudence therefore, since he waigh'd so little when a grosse revile that was to give him equal, I send him back again for a phylactery to stick upon his arrogance, that censures not onely before conviction so bitterly without so much as one reason giv'n, but censures the Congregation of his Governors to their faces, for not being so hasty as himself to censure.

And where as my other crime is, that I address'd the Dedication of what I had studied, to the Parliament, how could I better declare the loyalty which I owe to that supreme and majestick Tribunal, and the opinion which I have of the high-entrusted judgement, and personall worth assembl'd in that place. With the same affections therefore, and the same addicted fidelity, Parliament of England, I here again have brought to your perusal on the same argument these following Expositions of Scripture. The former book, as pleas'd some to think, who were thought judicious, had of reason in it to a sufficiency; what they requir'd, was that the Scriptures there alleg'd, might be discuss'd more fully. To their desires, thus much further hath been labour'd in the Scriptures. Another sort also who wanted more autorities, and citations, have not been here withought of. If all this attain not to satisfie them, as I am confident that none of those our great controversies at this day, hath had a more demonstrative explaining, I must confesse to admire what it is, for doubtlesse it is not reason now adays that satisfies, or suborns the common credence of men, to yeeld so easily, and grow so vehement in matters much more disputable, and farre lesse conducing to the daily good and peace of life. Some whose necessary shifts have long enur'd them to cloak the defects of their un-studied years, and barred now to learn, under the appearance of a grave solidity, which estimation they have gain'd among weak perceivers, find the ease of slighting what they cannot refute, and are determin'd, as I hear, to hold it not worth the answering. In which number I must be forc'd to reckon that Doctor, who in a late equivocating Treatise plausibly set afloat against the Dippers, diving the while himself with a more deep prelati cal malignance against the present state, & Church-government, mentions with ignominy the Tractate of Divorce; yet answers nothing, but instead thereof (for which I do not commend his marshalling) sets Moses also among the crew of his Anabaptists; as one who to a holy Nation, the Common-wealth of Israel, gave Laws breaking the bonds of marriage to inordinate lust. These are no mean surges of blasphemy, not onely dipping Moses the divine Law-giver, but dashing with a high hand against the justice and purity of God himself; as these ensuing Scriptures plainly and freely handl'd shall verifie to the launcing of that old apostemated error. Him therefore I leave now to his repentance.

Others, which is their courtship, confesse that wit and parts may do much
so make that seem true which is not (as was objected to Socrates by them who
could not resist his efficacy, that he ever made the worse cause seem the better)
and thus thinking themselves discharg'd of the difficulty, love not to wade
farther into the fear of a convictionment. These will be their excuses to decline
the full examining of this serious point. So much the more I presse it and re-
peat it, Lords and Commons, that ye beware while time is, ere this grand se-
cret, and onely art of ignorance affecting tyranny, grow powerfull and rule
among us. For if sound argument and reason shall be thus put off, either by
an undervaluing silence, or the masterly censure of a rayling word or two in
the Pulpit, or by rejecting the force of truth, as the meer cunning of eloquence,
and Sophistry, what can be the end of this, but that all good learning and
knowledge will suddenly decay: Ignorance, and illiterate presumption, which
is yet but our disease, will turn at length into our very constitution, and prove
the heftic evill of this age: worse to be fear'd, if it get once to reign over us,
then any fift Monarchy. If this shall be the course, that what was wont to be
a chief commendation, and the ground of other mens confidence in an Au-
thor, his diligence, his learning, his elocution whether by right, or by ill mea-
ning granted him, shall be turn'd now to a disadvantage and suspition against
him, that what he writes though unconfuted, must therefore be mistrusted,
therefore not receiv'd for the industry, the exactnesse, the labour in it, con-
fess'd to be more then ordinary; as if wisdom had now forsak'n the thirstie
and laborious inquirer to dwell against her nature with the arrogant and
shallow babler, to what purpose all those pains and that continual searching
requir'd of us by Solomon to the attainment of understanding; why are
men bred up with such care and expence to a life of perpetual studies, why
do you selves with such endeavour seek to wipe off the imputation of intend-
ing to discourage the progresse and advance of learning? He therefore whose
heart can bear him to the high pitch of your noble enterprises, may easily assure
himself that the prudence and farre-judging circumspettnesse of so grave a
Magistracy sitting in Parliament, who have before them the prepar'd and
purpos'd Act of their most religious predecessors to imitate in this question,
cannot reject the cleernesse of these reasons, and these allegations both here
and formerly offer'd them; nor can over-look the necessity of ordaining more
wholsomly and more humanly in the casualties of Divorce, then our Laws
have yet establish'd: if the most urgent and excessive grievances hapning in
domestick life, be worth the laying to heart, which, unlesse charity be farre
from us, cannot be neglected. And that these things both in the right con-
stitution, and in the right reformation of a Common-wealth call for speediest
redresse, and ought to be the first consider'd, enough was arg'd in what was

prefac'd to that monument of Bucer which I brought to your remembrance, and the other time before. Hence forth, except new cause be giv'n, I shall say lesse and lesse. For if the Law make not timely provision, let the Law, as reason is, bear the censure of those consequences, which her own default now more evidently produ. And if men want manlinesse to expose the right of their due ransom, and to second their own occasions, they may fit hereafter and bemoan themselves to have neglected through faintnesse the onely remedy of their sufferings, which a seasonable and well groundd speaking might have purchas'd them. And perhaps in time to come, others will know how to esteeme what is not every day put into their hands, when they have markt events, and better weigh'd how hurtfull and unwise it is, to hide a secret and pernicious rupture under the ill counsell of a bashfull silence. But who would distrust ought, or not be ample in his hopes of your wise and Christian determinations? who have the prudence to consider, and should have the goodnesse like gods, as ye are call'd, to find out readily, and by just Law to administer those redresses which have of old, not without God ordain- ing, bin granted to the adversities of mankind, ere they who needed, were put to ask. Certainly, if any other have enlarg'd his thoughts to expect from this government so justly undertak'n, and by frequent assistances from heaven so apparently upheld, glorious changes and renovations both in Church and State, he among the formost might be nam'd, who prays that the fate of England may tarry for no other Deliverers.

JOHN MILTON.

TETRACHORDON,

Expositions upon the foure chiefe places in Scripture which treat of Mariage, or nullities in Mariage.

Gen. 1. 27.

So God created man in his owne image, in the image of God created he him; male and female created he them.

28. *And God blessed them, and God said unto them be fruitfull, &c.*

Gen. 2. 18.

And the Lord God said, It is not good that man should be alone, I will make him a helpe meet for him.

23. *And Adam said, This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.*

24. *Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh.*

Gen. 1. 27.

SO God created man in his owne image.] To be inform'd aright in the whole History of Mariage, that we may know for certain, not by a forc't yoke, but by an impartial definition, what Mariage is, and what is not Mariage; it will undoubtedly be safest, fairest, and most with our obedience, to enquire, as our Saviours direction is, how it was in the beginning. And that we begin so high as man created after Gods owne Image, there want not earnest causes. For nothing now adayes is more degenerately forgott'n, then the true dignity of man, almost in every respect, but especially in this prime institution of Matrimony, wherein his native pre-eminence ought most to shine. Although if we consider that just and naturall privileges men neither can rightly seek, nor dare fully claime, unlesse they be ally'd to inward goodnesse, and stedfast knowledge, and that the want of this quells them to a servile sense of their own

conscious unworthinesse, it may save the wondring why in this age many are so opposite both to human and to Christian liberty; either while they understand not; or envy others that do; contenting, or rather priding themselves in a specious humility and strictnesse bred out of low ignorance that never yet conceiv'd the freedome of the Gospel; and is therefore by the Apostle to the Colossians rankt with no better company, then Will-worship and the meer shew of wisdom. And how injurious herein they are, if not to themselves, yet to their neighbours, and not to them only, but to the all-wise and bounteous grace offer'd us in our redemption, will orderly appear.

[*In the Image of God created he him.*] It is anough determin'd, that this Image of God wherein man was created, is meant Wisdom, Purity, Justice, and rule over all creatures. All which being lost in Adam, was recover'd with gain by the merits of Christ. For albeit our first parent had lordship over sea, and land, and aire, yet there was a law without him, as a guard set over him. But Christ having cancell'd the hand writing of ordinances which was against us, *Coloss. 2. 14.* and interpreted the fulfilling of all through charity, hath in that respect set us over law, in the free custody of his love, and left us victorious under the guidance of his living Spirit; not under the dead letter; to follow that which most edifies, most aides and furdurs a religious life, makes us holiest and likest to his immortall Image, not that which makes us most conformable and captive to civill and subordinat precepts; whereof the strictest observance may oftimes prove the destruction not only of many innocent persons and families, but of whole Nations. Although indeed no ordinance human or from heav'n can binde against the good of man; so that to keep them strictly against that end, is all one with to breake them. Men of most renowned vertu have sometimes by transgressing, most truly kept the law; and wisest Magistrates have permitted and dispenc't it; while they lookt not peevishly at the letter, but with a greater spirit at the good of mankind, if alwayes not writt'n in the characters of law, yet engrav'n in the heart of man by a divine impression. This Heathens could see, as the well-read in story can recount of Solon and *Examinondas*, whom *Cicero* in his first booke of *invention* nobly defends. *All law, saith he, we ought to refer to the common good, and interpret by that, not by the scrowl of letters. No man observes law for laws sake, but for the good of them for whom it was made.* The rest might serve well to lecture these times, deluded through belly-doctrines into a devout slavery. The Scripture also affords us *David* in the shew-bread, *Hezekiah*

in the pascover sound and safe transgressors of the literall command, which also dispenc'd not seldom with it self; and taught us on what just occasions to doe so: untill our Saviour for whom that great and God-like work was reserv'd, redeem'd us to a state above prescriptions by dissolving the whole law into charity. And have we not the soul to understand this, and must we against this glory of Gods transcendent love towards us be still the servants of a literall indightment?

[Created he him.] It might be doubted why he saith, *In the Image of God created he him*, not them, as well as *male and female* them; especially since that Image might be common to them both, but *male and female* could not, however the Jewes fable, and please themselves with the accidentall concurrence of *Plato's* wit, as if man at first had bin created *Hermaphrodite*: but then it must have bin *male and female* created he him. So had the Image of God bin equally common to them both, it had no doubt bin said, In the image of God created he them. But *St. Paul* ends the controversie by explaining that the woman is not primarily and immediatly the image of God, but in reference to the man. *The head of the woman*, saith he, *1 Cor. 11. is the man: he the image and glory of God, she the glory of the man: he not for her, but she for him.* Therefore his precept is, *Wives be subject to your husbands as is fit in the Lord, Coloss. 3. 18. In every thing, Eph. 5. 24.* Neverthelesse man is not to hold her as a servant, but receives her into a part of that empire which God-proclaims him to, though not equally, yet largely, as his own image and glory: for it is no small glory to him, that a creature so like him, should be made subject to him. Not but that particular exceptions may have place, if she exceed her husband in prudence and dexterity, and he contentedly yeeld, for then a superior and more naturall law comes in, that the wiser should govern the lesse wife, whether male or female. But that which far more easily and obediently follows from this verse, is that, seeing woman was purposely made for man, and he her head, it cannot stand before the breath of this divine utterance, that man the portraiture of God, joyning to himself for his intended good and solace an inferiour sexe, should so become her thrall, whose wilfulness or inability to be a wife frustrates the occasionall end of her creation, but that he may acquitt himself to freedom by his naturall birth-right, and that indeleble character of priority which God crown'd him with. If it be urg'd that sin hath lost him this, the answer is not far to seek, that from her the sin first proceeded, which keeps her justly in the same proportion still beneath. She is not to gain by be-

ing first in the transgression, that man should furdur loose to her, because already he hath lost by her means. Oft it happens that in this matter he is without fault; so that his punishment herein is causeles: and God hath the praise in our speeches of him, to sort his punishment in the same kind with the offence. Suppose he err'd; it is not the intent of God or man, to hunt an error so to the death with a revenge beyond all measure and proportion. But if we argue thus, this affliction is befalln him for his sin, therefore he must bear it, without seeking the only remedy, first it will be false that all affliction comes for sin, as in the case of *Job*, and of the man born blind; *Job. 9. 3.* was evident: next by that reason, all miseries comming for sin, we must let them all lye upon us like the vermin of an Indian *Catharist*, which his fond religion forbids him to molest. Were it a particular punishment inflicted through the anger of God upon a person, or upon a land, no law hinders us in that regard, no law but bids us remove it if we can: much more if it be a dangerous temptation withall, much more yet, if it be certainly a temptation, and not certainly a punishment, though a pain. As for what they say we must bear with patience; to bear with patience, and to seek effectuall remedies, implies no contradiction. It may no lesse be for our disobedience, our unfaithfulness, and other sins against God, that wives becom adulterous to the bed, and questionles we ought to take the affliction as patiently, as christian prudence would wish; yet hereby is not lost the right of divorcing for adultery. No you say, because our Saviour excepted that only. But why, if he were so bent to punish our sins, and try our patience in binding on us a disastrous marriage, why did he except adultery? Certainly to have bin bound from divorce in that case also had bin as plentifull a punishment to our sins, and not too little work for the patientest. Nay perhaps they will say it was too great a sufferance: And with as slight a reason, for no wile man but would sooner pardon the act of adultery once and again committed by a person worth pitty and forgivnes, then to lead a wearisom life of unloving & unquiet conversation with one who neither affects nor is affected, much lesse with one who exercises all bitterness, and would commit adultery too, but for envy lest the persecuted condition should thereby get the benefit of his freedom. 'Tis plain therefore that God enjoyns not this supposed strictnes of not divorcing either to punish us, or to try our patience.

Moreover, if man be the image of God, which consists in holines, and woman ought in the same respect to be the image and companion of man, in such wise to be lov'd, as the Church is belov'd of Christ, and if, as God

is the head of Christ, and Christ the head of man; so man is the head of woman; I cannot see by this golden dependance of headship and subjection, but that Piety and Religion is the main tyce of Christian Matrimony: So as if there be found between the pair a notorious disparity either of wickednes or heresie, the husband by all manner of right is disingag'd from a creature, not made and inflicted on him to the vexation of his righteousness; the wife also, as her subjection is terminated in the Lord, being her self the redeem'd of Christ, is not still bound to be the vassall of him, who is the bondslave of Satan: she being now neither the image nor the glory of such a person, nor made for him, nor left in bondage to him; but hath recours to the wing of charity, and protection of the Church; unless there be a hope on either side; yet such a hope must be meant, as may be a rationall hope, and not an endless servitude. Of which hereafter.

But usually it is objected, that if it be thus, then there can be no true marriage between misbelievers and irreligious persons? I might answer, let them see to that who are such; the Church hath no commission to judge those without, 1 Cor. 5. But this they will say perhaps, is but penuriously to resolv a doubt. I answer therefore, that where they are both irreligious, the marriage may be yet true enough to them in a civill relation. For there are left som remains of Gods image in man, as he is meerly man; which reason God gives against the shedding of mans blood, Gen. 9. as being made in Gods image, without expression whether he were a good man or a bad, to exempt the slayer from punishment. So that in those marriages where the parties are alike void of Religion, the wife owes a civill homage and subjection, the husband owes a civill loyalty. But where the yoke is mis-yok't, heretick with faithfull, godly with ungodly, to the grievance and manifest endangering of a brother or sister, reasons of a higher strain then matrimoniall bear sway; unless the Gospel instead of freeing us, debase it self to make us bondmen, and suffer evil to controule good.

[*Male and female created he them.*] This contains another end of matching man and woman, being the right, and lawfullaes of the marige bed; though much inferior to the former end of her being his image and helpe in religious society. And who of weakest insight may not see that this creating of them male and female, cannot in any order of reason, or Christianity, be of such moment against the better and higher purposes of their creation, as to enthrall husband or wife to duties or to sufferings, unworthy and unbecoming the image of God in them? Now when as

not only men, but good men doe stand upon their right, their estimation, their dignity in all other actions and deportments with warrant enough and good conscience, as having the image of God in them, it will not be difficult to determin what is unworthy and unseemly for a man to do or suffer in wedlock; and the like proportionally may be found for woman: if we love not to stand disputing below the principles of humanity. He that said, *Male and female created he them*, immediately before that said also in the same verse, *In the Image of God created he him*, and redoubl'd it, that our thoughts might not be so full of dregs as to urge this poor consideration of *male and female*, without remembering the noblenes of that former repetition; lest when God sends a wise eye, to examin our triviall glosses, they be found extremly to creep upon the ground: especially since they confesse that what here concerns mariage is but a brief touch, only preparative to the institution which follows more expressly in the next Chapter: and that Christ so took it, as desiring to be briefest with them who came to tempt him, account shall be given in due place.

V. 28. *And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth, &c.*

This declares another end of Matrimony, the propagation of mankind; and is again repeated to *Noah* and his sons. Many things might be noted on this place not ordinary, nor unworth the noting; but I undertook not a generall Comment. Hence therefore we see the desire of children is honest and pious; if we be not lesse zealous in our Christianity, then *Plato* was in his heathenism; who in the sixth of his laws, counts offspring therefore desirable, that we may leav in our stead sons of our sons, continuall servants of God: a religious and prudent desire, if people knew as well what were requir'd to breeding as to begetting; which desire perhaps was a cause why the Jews hardly could endure a barren wedlock: and *Philo* in his book of speciall laws esteems him only worth pardon that sends not barrennes away. *Carvilius* the first recorded in Rome to have sought divorce, had it granted him for the barrennes of his wife, upon his oath that he married to the end he might have children; as *Dionysius* and *Gellius* are authors. But to dismiss a wife only for barrennes, is hard: and yet in som the desire of children is so great, and so just, yea sometime so necessary, that to condemn such a one to a childles age, the fault apparently not being in him, might seem perhaps more strict then needed.

needed. Sometimes inheritances, crowns, and dignities are so interested and annexed in their common peace and good to such or such lineall descent, that it may prove a great moment both in the affairs of men and of religion, to consider thoroughly what might be done heerin, notwithstanding the waywardnes of our School Doctors.

Gen. 2. 18.

And the Lord said, It is not good that man should be alone; I will make him a help meet for him.

V. 23: *And Adam said, &c. V. 24. Therefore shall a man leave, &c.*

THis second Chapter is granted to be a Commentary on the first; and these verses granted to be an exposition of that former verse, *Male and female created he them*, and yet when this male and female is by the explicate words of God himselfe heer declar'd to be not meant other then a fit help, and meet society; som who would ingrosse to themselves the whole trade of interpreting, will not suffer the cleer text of God to doe the office of explaining it self.

[*And the Lord God said it is not good.*] A man would think that the consideration of who spake, should raise up the attention of our minds to enquire better; and obey the purpos of so great a Speaker: for as we order the busines of Marriage, that which he heer speaks is all made vain; and in the decision of matrimony, or not matrimony, nothing at all regarded. Our presumption, hath utterly chang'd the state and condition of this ordinance: God ordain'd it in love and helpfulnes to be indissoluble, and we in outward act and formality to be a forc't bondage; so that being subject to a thousand errors in the best men, if it prove a blessing to any, it is of meer accident, as mans law hath handl'd it, and not of institution.

[*It is not good for man to be alone.*] Hitherto all things that have bin nam'd; were approv'd of God to be very good: loneliness is the first thing which Gods eye nam'd not good: whether it be a thing, or the want of something, I labour not; let it be their tendance, who have the art to be industriously idle. And heer *alone* is meant alone without woman; otherwise *Adam* had the company of God himself, and Angels to convers with; all creatures to delight him seriously, or to make him sport. God could have created him out of the same mould a thousand friends and brother *Adams* to have bin his comforts, yet for all this till *Eve* was giv'n him, God reckon'd him to be alone.

[*It is not good.*] God heer presents himself like to a man deliberating; both to shew us that the matter is of high consequence, and that he intended to found it according to naturall reason, not impulsive command, but that the duty should arise from the reason of it, not the reason be swallow'd up in a reasonlesse duty. *Not good*, was as much to *Adam* before his fall, as not pleasing, not expedient; but since the comming of sin into the world, to him who hath not receiv'd the continence, it is not only not expedient to be alone, but plainly sinfull. And therefore he who wilfully abstains from marriage, not being supernaturally gifted, and he who by making the yoke of marriage unjust and intolerable, causes men to abhorre it, are both in a diabolical sin, equall to that of Antichrist who forbids to marry. For what difference at all whether he abstain men from marrying, or restrain them in a marriage hapning totally discommodious, distastfull, dishonest and pernicious to him without the appearance of his fault? For God does not heer precisely say, I make a female to this male, as he did briefly before, but expounding himself heer on purpos, he saith, because it is not good for man to be alone, I make him therefore a meet help. God supplies the privation of not good, with the perfect gift of a real and positive good; it is mans pervers cooking who hath turn'd this bounty of God into a scorpion, either by weak and shallow constructions, or by proud arrogance and cruelty to them who neither in their purposes nor in their actions have offended against the due honour of wedlock.

Now whereas the Apostle speaking in the Spirit, 1 *Cor.* 7. pronounces quite contrary to this word of God, *It is good for a man not to touch a woman*, and God cannot contradict himself, it instructs us that his commands and words, especially such as bear the manifest title of som good to man, are not to be so strictly wrung, as to command without regard to the most naturall and miserable necessities of mankind. Therefore the Apostle adds a limitation in the 26 v. of that chap. for the present necessity it is good; which he gives us doubtlesse as a pattern how to reconcile other places by the generall rule of charity.

[*For man is to be alone.*] Som would have the sense heerof to be in respect of procreation only: and *Austin* contends that manly friendship in all other regards had bin a more becomming solace for *Adam*, then to spend so many secret years in an empty world with one woman. But our Writers deservedly reject this crabbed opinion; and defend that there is a peculiar comfort in the married state besides the genial bed, which no other society affords. No mortall nature can endure either in the actions

of Religion, or study of wisdom, without sometime slackning the cords of intense thought and labour : which lest we should think faultily, God himself conceals us not his own recreations before the world was built; *I was*, saith the eternall wisdom, *daily his delight, playing alwayes before him.* And to him indeed wisdom is as a high towr of pleasure, but to us a steep hill, and we toying ever about the bottom: he executes with ease the exploits of his omnipotence, as easie as with us it is to will : but no worthy enterprise can be don by us without continuall plodding and wearisomnes to our faint and sensitive abilities. We cannot therefore alwayes be contemplative, or pragmaticall abroad, but have need of som delightfull intermissions, wherein the enlarg'd soul may leav off a while her severe schooling; and like a glad youth in wandring vacancy, may keep her hollidaies to joy and harmles pastime : which as she cannot well doe without company, so in no company so well as where the different sexe in most resembling unlikenes, and most unlike resemblance cannot but please best and be pleas'd in the aptitude of that variety. Wherof lest we should be too timorous, in the aw that our flat sages would form us and dresse us, wisest *Salomon* among his gravest Proverbs countenances a kinde of ravishment and erring fondnes in the entertainment of wedded leasures; and in the Song of Songs, which is generally beleev'd, even in the jolliest expressions to figure the spousals of the Church with Christ, sings of a thousand raptures between those two lovely ones farre on the higher side of carnall enjoyment. By these instances, and more which might be brought, we may imagine how indulgently God provided against mans loneliness; that he approv'd it not, as by himself declar'd not good; that he approv'd the remedy therof, as of his own ordaining, consequently good; and as he ordain'd it, so doubtles proportionably to our fall'n estate he gives it; els were his ordinance at least in vain, and we for all his gift still empty handed. Nay such an unbounteous giver we should make him, as in the fables *Jupiter* was to *Io*, giving him a cloud instead of *Juno*, giving him a monstrous issue by her, the breed of *Centauries* a neglected and unlov'd race, the fruits of a delusive marriage, and lastly giving him her with a damnation to that wheel in hell, from a life thrown into the midst of temptations and disorders. But God is no deceitfull giver, to bestow that on us for a remedy of loneliness, which if it bring not a sociable minde as well as a conjunctive body, leaves us no lesse alone then

before; and if it bring a minde perpetually averse and disagreeable, betraies us to a worse condition then the most deserted loneliness. God cannot in the justice of his own promise and institution so unexpectedly mock us by forcing that upon us as the remedy of solitude, which wraps us in a misery worse then any wilderness, as the Spirit of God himself judges, Prov. 19. especially knowing that the best and wisest men amidst the sincere and most cordiall designs of their heart doe dayly erre in choosing. We may conclude therefore seeing orthodoxall Expositors confesse to our hands, that by loneliness is not only meant the want of copulation, and that man is not lesse alone by turning in a body to him, unlesse there be within it a minde answerable, that it is a work more worthy the care and consultation of God to provide for the worthiest part of man which is his minde, and not unnaturally to set it beneath the formalities and respects of the body, to make it a servant of its owne vassall, I say we may conclude that such a marriage, wherein the minde is so disgrac't and vilify'd below the bodies interest, and can have no just or toletable contentment, is not of Gods institution, and therefore no marriage. Nay in concluding this, I say we conclude no more then what the common Expositors themselves give us, both in that which I have recited and much more hereafter. But the truth is, they give us in such a manner, as they who leav their own mature positions like the eggs of an Ostrich in the dust; I do but lay them in the sun; their own pregnancies hatch the truth; and I am taxt of novelties and strange producements, while they, like that inconsiderat bird, know not that these are their own naturall breed.

[*I will make him a help meet for him.*] Heer the heavnly instituter, as if he labour'd, not to be mistak'n by the supercilious hypocrisie of those that love to master their brethren, and to make us sure that he gave us not now a servil yoke, but an amiable knot; contents not himself to say, I will make him a wife, but resolving to give us first the meaning before the name of a wife, saith graciously, *I will make him a help meet for him.* And heer again, as before, I doe not require more full and fair deductions then the whole content of our Divines usually raise from this text; that in matrimony there must be first a mutuell help to piety, next to civill fellowship of love and amity, then to generation, so to household affairs; lastly the remedy of incontinence. And commonly they reck'n them in such order, as leav generation and incontinence.

tinnence to be left consider'd. This I amaze me at, that though all the
 superior and nobler ends both of marriage and of the married persons,
 be absolutely frustrat; the matrimony still not, looses no hold, remains
 as stout as the corner; but if the body bring but in a complaint of
 frigidity, by that cold application only, this adamantyne *Alpe* of
 wedlock has leav to dissolve; which tis all the machinations of religi-
 ons or civil reason at the suit of a distressed mind; either for divine
 worship or humane conversation violated; cannot unfasten. What
 courts of concupiscence are these; wherein fleshly appetite is heard
 before right reason; lust before love or devotion? They may be pious
 Christians together; they may be loving and friendly; they may be
 helpful to each other in the family, but they cannot couple that shall
 divorce them though the other party would not. They can neither serve
 God together, nor one be at peace with the other; nor be good in the
 family one to other, but live as they were dead, or live as they were
 deadly enemies in a cage together; as all one, they can couple, they
 shall not divorce till death; no though this sentence be their death.
 What is this, besides tyranny, but to turn nature upside down; to make
 both religion, and the minde of man wait upon the slavish errands of
 the body, and not the body to follow either the sanctity, or the sove-
 reignty of the mind unspeakably wrong'd; and with all equity complain-
 ing? What is this but to abuse the sacred and misterious bed of ma-
 riage to be the compulsive bed of an ingratefull and malignant lust,
 shut'd up only from a carnall serimony, without either love or peace,
 or regard to any other thing holy or human. This I admire how pos-
 sibly it should inhibit thus long in the sense of so many disputing *Theo-
 ologians*; unless it be the lowest lees of a canonick infection liver-
 grown to their sides; which perhaps will never uncling, without the
 strong collective of some heroick magistrat, whose mind equal to his
 high office dares lead him both to know and to do without their fri-
 vious cast-putting. For certain he shall have God and this institu-
 tion plainly on his side. And if it be true both in divinity and law,
 that consent alone, though copulation never follow, makes a mari-
 age, how can they dissolv it for the want of that which made it not,
 and not dissolv it for that not continuing which made it, and should
 preserve it in love and reason, and difference it from a brute conju-
 galiry.

[*For him.*] The originall heer is more expressive than other

languages word for word can render it; but all agree effectually conformity of disposition and affection to be hereby signify'd; which God as it were not satisfy'd with the naming of a help, goes on describing *another self, a second self, a very self is self*. Yet now there is nothing in the life of man through our misconstruction, made more uncertain, more hazardous and full of chance then this divine blessing with such favorable significance heer conferr'd upon us, which if we do but erre in our choice the most unblamable error that can be, erre but one minute, one moment after those mighty syllables pronounce't which take upon them to joyn heavn and hell together unpardonably till death pardon, this divine blessing that lookt but now with such a human smile upon us, and spoke such gentle reason, strait vanishes like a fair skie and brings on such a scene of cloud and tempest, as turns all to shipwrack without havn or shoar but to a ransomles captivity. And then they tell us it is our sin; but let them be told again, that sin through the mercy of God hath not made such wast upon us, as to make utterly void to our use any temporall benefit, much lesse any so much availing to a peacefull and sanctify'd life, meerly for a most incident error which no warines can certainly shun. And wherfore serves our happy redemption, and the liberty we have in Christ, but to deliver us from calamitous yokes not to beliv'd under without the endangerment of our souls, and to restore us in som competent measure to a right in every good thing both of this life, and the other. Thus we see how treatably and distinctly God hath heer taught us what the prime ends of marriage are, mutuall solace and help. That we are now, upon the most irreprehensible mistake in choosing, defeated and defrauded of all this originall benignity, was begun first through the snare of Antichristian canons long since obtruded upon the Church of Rome, and not yet scour'd off by reformation, out of a lingring vain-glory that abides among us to make fair shews in formall ordinances, and to enjoyn continence & bearing of crosses in such a garb as no Scripture binds us, under the thickest arrows of temptation, where we need not stand. Now we shall see with what acknowledgement and assent *Adam* receiv'd this new associat, which God brought him.

V. 23. *And Adam said this is now bone of my bones, and flesh of my flesh, she shall be called Woman, because she was tak'n out of Man.*

That there was a neerer alliance between *Adam* and *Eve*, then could be ever after between man and wife, is visible to any. For no other woman was ever moulded out of her husbands rib, but of meer strangers for the most part they com to have that consanguinity which they have by wedlock. And if we look neerly upon the matter, though marriage be most agreeable to holines, to purity and justice, yet is it not a naturall, but a civill and ordain'd relation. For if it were in nature, no law or crime could disannull it, to make a wife, or husband, otherwise then still a wife or husband, but only death; as nothing but that can make a father no father, or a son no son. But divorce for adultery or desertion, as all our Churches agree but England, not only separates, but nullifies, and extinguishes the relation it self of matrimony, so that they are no more man and wife; otherwise the innocent party could not marry else-where, without the guilt of adultery; next were it meerly naturall why was it heer ordain'd more then the rest of morall law to man in his originall rectitude, in whose brest all that was naturall or morall was engrav'n without externall constitutions and edicts. *Adam* therefore in these words does not establish an indissoluble bond of marriage in the carnall ligaments of flesh and bones, for if he did, it would belong only to himself in the literall sense; every one of us being noerer in flesh of flesh, and bone of bones to our parents then to a wife; they therefore were not to be left for her in that respect. But *Adam* who had the wisdom giv'n him to know all creatures, and to name them according to their properties, no doubt but had the gift to discern perfectly, that which concern'd him much more; and to apprehend at first sight the true fitness of that consort which God provided him. And therefore spake in reference to those words which God pronounc't before; as if he had said, this is she by whose meet help and society I shall no more be alone; this is she who was made my image, ev'n as I the Image of God; not so much in body, as in unity of mind and heart. And he might as easily know what were the words of God, as he knew so readily what had bin don with his rib, while he slept so soundly. He might well know, if God took a rib out of his inside, to form of it a double good to him, he would far

sooner dis-joyn it from his outside, to prevent a treble mischief to him; and far sooner cut it quite off from all relation for his undoubted ease, then nail it into his body again, to stick for ever there a thorn in his heart. When as nature teaches us to divide any limb from the body to the saving of his fellows, though it be the maiming and deformity of the whole; how much more is it her doctrine to sever by incision, not a true limb so much, though that be lawfull, but an adherent, a sore, the gangrene of a limb, to the recovery of a whole man. But if in these words we shall make *Adam* to erect a new establishment of marriage in the meer flesh, which God so lately had instituted, and founded in the sweet and mild familiarity of love and solace and mutuell fitness, what do we but use the mouth of our general parent, the first time it opens, to an arrogant opposition, and correcting of Gods wiser ordinance. These words therefore cannot import any thing new in marriage, but either that which belongs to *Adam* only, or to us in reference only to the instituting words of God which made a meet help against loneliness. *Adam* spake like *Adam* the words of flesh and bones, the shell and rinde of matrimony; but God spake like God, of love and solace and meet help, the soul both of *Adams* words and of matrimony.

V. 24. *Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh.*

This vers. as our common heere expounds it, is the great knot, which hath upon by tying, and by tangling millions of guilties consciences: this is that greivous Porter, who having drawn men and wisest men by subtle allurements within the train of an unhappy matrimony, claps the dungeon gate upon them, as irrecoverable as the grave. But if we view him well, and hear him with not too hasty and prejudicant ears, we shall finde no such terror in him. For first, it is not heer said absolutely without all reason he shall cleave to his wife, be it to his weal or to his destruction as it happens, but he shall doe this upon the premises and considerations of that meet help and society before mentioned. *Therefore he shall cleave to his wife*, no otherwise, as wife, then a fit help. He is not bid to leave the dear cohabitation of his father, mother, brothers and sisters, to link himself inseparably with the meer carcass of a Marriage; perhaps in company.

This joyning particle *Therefore* is in all equity, nay in all necessity of construction to comprehend first and most principally what God spake concerning the inward essence of Marriage in his institution; that we may learn how far to attend what *Adam* spake of the outward materials thereof in his approbation. For if we shall bind these words of *Adam* only to a corporall meaning, and that the force of this injunction upon all us his sons to live individually with any woman which hath befall us in the most mistak'n wedlock, shall consist not in those morall and relative causes of *Ever* creation, but in the meer anatomy of a rib, and that *Adams* insight concerning wedlock reacht no farder, we shall make him as very arridiot as the Socinians make him; which would not be reverently doth of us. Let us be content to allow our great forefather so much wisdom, as to take the instructing words of God along with him into this sentence, which if they be well minded, will assure us that flesh and ribs are but of a weak and dead efficacy to keep Marriage united where there is no other fitness. The rib of Marriage, so all since *Adam*, is a relation much rather than a bone; the nerves and sinews thereof are love and meet help, they knit not every couple that marries, and where they knit they seldom break, but where they break, which for the most part is where they never truly joyn'd, so such at the same instant both flesh and rib cease to be in common; so that here they argue nothing to the continuance of a false or violated Marriage, but must be led back to receive their meaning from those instructive words of God which give them all the life and vigor they have.

[*Therefore shall a man leave his father, &c.*] What to a mans thinking more plain by this appointment, that the fatherly power should give place to conjugall prerogative? yet it is generally held by reformed writers against the Papist, that though in persons at discretion the Marriage in it self be never so fit, though it be fully accomplish'd with benediction, board and bed; yet the father not consenting, his main will without dispute shall dissolve all. And this they affirm only from collective reason, not any direct law: for that in *Exod: 22: 17.* which is most particular, speaks that a father may refuse to marry his daughter to one who hath deflower'd her, not that he may take her away from one who hath lawfully married her. Yet because the generall honor due to parents is great, they hold he may, and perhaps hold not amiss. But again when the question is of harsh and rugged parents who desert

to bestow their childern seasonably, they agree joyntly that the Church or Magistrat may bestow them, though without the Fathers consent: and for this they have no expresse authority in Scripture. So that they may see by thir own handling of this very place, that it is not the stubborn letter must governa us, but the divine and softning breath of charity which turns and windes the dictat of every positive command, and shapes it to the good of mankind. Shall the outward accessory of a Fathers will wanting, rend the fittest and most affectionat mariage in twain, after all nuptial consummations, and shall not the want of love and the privation of all civil and religious concord, which is the inward essence of wedlock, doe as much to part those who were never truly wedded? Shall a Father have this power to vindicate his own wilfull honour and authority to the utter breach of a most dearly-united mariage, and shall not a man in his own power have the permission to free his Soul, his life, and all his comfort of life from the disastre of a no-mariage. Shall fatherhood, which is but man, for his own pleasure dissolve matrimony, and shall not matrimony, which is Gods Ordinance, for its own honour and better conservation, dissolv it self, when it is wrong, and not fitted to any of the cheif ends which it owes us?

[*And they shall be one flesh.*] These words also inferre that there ought to be an individualty in Mariage; but without all question presuppose the joyning causes. Not a rule yet that we have met with, so universall in this whole institution, but hath admitted limitations and conditions according to human necessity. The very foundation of Matrimony, though God laid it so deliberately, *that it is not good for man to be alone* holds not always, if the Apostle can secure us. Soon after wee are bid leav Father and Mother, and cleav to a Wife, but must understand the Fathers consent withall, els not. *Cleav to a Wife*, but let her be a wife, let her be a meet help, a solace, not a nothing, not an adversary, not a desertrice; can any law or command be so unreasonable as to make men cleav to calamity, to ruin, to perdition? In like manner heer, *They shall be one flesh*; but let the causes hold, and be made really good, which only have the possibility to make them one flesh. Wee know that flesh can neither joyn, nor keep together two bodies of it self; what is it then must make them one flesh, but likenes, but fitnes of mind and disposition, which may breed the Spirit of concord, and union between them? If that be not in the nature of

of either, and that there has bin a remediles mistake, as vain wee goe about to compell them into one flesh, as if wee undertook to weav a garment of drie sand. It were more easy to compell the vegetable and nutritive power of nature to assimilations and mixtures which are not alterable each by other; or force the concoctive stomach to turn that into flesh which is so totally unlike that substance, as not to be wrought on. For as the unity of minde is neerer and greater then the union of bodies, so doubtles, is the dissimilitude greater, and more dividuall, as that which makes between bodies all difference and distinction. Especially when as besides the singular and substantial differences of every Soul, there is an intimat quality of good or evil, through the whol progeny of *Adam*, which like a radical heat, or mortal chilnes joyns them, or disjoyns them irresistibly. In whom therefore either the will, or the faculty is found to have never joyn'd, or now not to continue so, 'tis not to say, they shall be one flesh, for they cannot be one flesh. God commands not impossibilities; and all the Ecclesiastical glue, that Liturgy, or Laymen can compound, is not able to soder up two such incongruous natures into the one flesh of a true bebecoming Mariage. Why did *Moses* then set down thir uniting into one flesh? And I again ask, why the Gospel so oft repeats the eating of our Saviours flesh, the drinking of his blood? *That wee are one body with him, the members of his body, flesh of his flesh and bone of his bone.* Ephes. 5. Yet lest wee should be Capernaitans, as wee are told there that the flesh profiteth nothing, so wee are told heer, if we be not as deaf as adders, that this union of the flesh proceeds from the union of a fit help and solace. Wee know that there was never a more spiritual mystery then this Gospel taught us under the terms of body and flesh; yet nothing less intended then that wee should stick there. What a stupidnes then is it, that in Mariage, which is the neerest resemblance of our union with Christ, wee should deject our selves to such a sluggish and underfoot Philosophy, as to esteem the validity of Mariage meerly by the flesh; though never so broken and disjoyned from love and peace, which only can give a human qualification to that act of the flesh, and distinguish it from bestial. The Text therefore uses this phrase, that *they shall bee one flesh*, to justify and make legitimat the rites of Mariage bed; which was not unbecomfull, if for all this warrant, they were suspected of pollution by some sects of Philosophy, and Religions of old, and latelie among the

Papists, and other heretick elder then they. Some think there is a high mystery in those words, from that which *Paul* saith of them, *Ephes. 5. This is a great mystery, but I speak of Christ and the Church*: and thence they would conclude marriage to be inseparable. For me I dispute not now whether matrimony bee a mystery or no; if it bee of Christ and his Church, certainly it is not meant of every ungodly and miswedded marriage, but then only mysterious, when it is a holy, happy, and peacefull match. But when a Saint is joyn'd with a reprobate, or both alike, wicked with wicked, fool with fool, a hee drunkard with a she, when the bed hath bin nothing els for twenty yeares or more, but an old haunt of lust and malice mixt together, no love, no goodnes, no loyalty, but counterplotting, and secret wishing one anothers dissolution, this is to me the greatest mystery in the world, if such a marriage as this, can be the mystery of ought, unless it bee the mystery of iniquity: According to that which *Parans* cites out of *Chrysostom*, that a bad wife is a help for the devil, and the like may be said of a bad husband. Since therefore none but a fit and pious matrimony can signify the union of Christ and his Church, ther cannot hence be any hindrance of divorce to that wedlock wherin ther can be no good mystery. Rather it might to a Christian Conscience bee matter of finding it self so much less satisfy'd then before, in the continuance of an unhappy yoke, wherein there can be no representation either of Christ, or of his Church.

Thus having enquir'd the institution how it was in the beginning, both from the 1. Chap. of *Gen.* where it was only mention'd in part, and from the second, where it was plainly and evidently instituted, and having attended each clause and word necessary, with a diligence not drowsy, wee shall now fix with som advantage; and by a short view backward gather up the ground wee have gon; and sum up the strength wee have, into one argumentative head, with that *organic* force that *logic* proffers us. All arts acknowledge that then only we know certainly, when we can define; for definition is that which refines the pure essence of things from the circumstance. If therefore we can attain in this our Controversy to define exactly what marriage is, wee shall soon learn, when there is a nullity thereof, and when a divorce.

The part therefore of this Chapter which hath bin heer treated doth orderly and readily resolv it self into a definition of marriage, and a con-

consequence from thence. To the definition these words chiefly contribute. *It is not good, &c. I will make, &c.* Where the confectary begins this connexion *Therefore* informs us, *Therefore shall a man, &c.* Definition is decreed by Logicians to consist only of causes constituting the essence of a thing, What is not therefore among the causes constituting marriage, must not stay in the definition. Those causes are concluded to be *matter*, and, as the Artist calls it, *Form*. But inasmuch as the same thing may be a cause more waies then one, and that in relations and institutions which have no corporal subsistence, but only a respective being, the *Form* by which the thing is what it is, is oft so slender and undistinguishable, that it would soon confuse, were it not sustain'd by the efficient and final causes, which concur to make up the form invalid otherwise of it self, it will be needfull to take in all the four causes into the definition. First therefore the material cause of matrimony is man and woman; the Author and efficient, God and their consent, the internal *Form* and soul of this relation, is conjugal love arising from a mutual fitness to the final causes of wedlock, help and society in Religious, Civil and Domestic conversation, which includes, as an inferior end the fulfilling of natural desire, and specifical increase; these are the final causes both moving the *efficient*, and perfecting the *form*. And although copulation be consider'd among the ends of marriage, yet the act therof in a right esteem can no longer be matrimonial, then it is an effect of conjugal love. When love findes it self utterly unmatcht, and justly vanishes, nay rather cannot but vanish, the fleshy act indeed may continue, but not holy, not pure, not bebecoming the sacred bond of marriage; being at best but an animal excretion, but more truly worse and more ignoble then that mate kindyness among the heards and flocks: in that proceeding as it ought from intellectual principles, it participates of nothing rational, but that which the seild and the soule equals. For in human actions the soule is the agent, the body in a manner passive. If then the body doe out of sensitive force, what the soul complies not with, how can man, and not rather something beneath man be thought the doer.

But to proceed in the persute of an accurat definition, it will avail us something, and whet our thoughts, to examin what fabric heereof others have already read. *Barons on Gen.* defines Marriage to be an *indissoluble conjunction of one man and one woman to an individual and inti-*

mat conversation, and mutual benevolence, &c. Wherin is to be mark his placing of intimat conversation before bodily benevolence; for bodily is meant, though indeed *benevolence* rather sounds will then body. Why then shall divorce be granted for want of bodily performance, and not for want of fitness to intimat conversation, when as corporal benevolence cannot in any human fashion bee without this? Thus his definition places the ends of Mariage in one order, and esteems them in another. His *Tautology* also of indissoluble and individual is not to be imitated; especially since neither indissoluble, nor individual hath ought to doe in the exact definition, beeing but a confectary flowing from thence, as appears by plain Scripture, *Therefore shall a man leave, &c.* For Mariage is not true mariage by beeing individual, but therefore individual, if it be true Mariage. No argument but causes enter the definition; a Confectary is but the effect of those causes. Besides, that Mariage is indissoluble, is not *Catholically* true; wee know it dissoluble for Adultery, and for desertion by the verdict of all Reformed Churches. Dr. Ames defines it *an individual conjunction of one man and one woman, to communion of body and mutual society of life*; But this perverts the order of God, who in the institution places meet help and society of life before communion of body. And vulgar estimation undervalues beyond comparison all society of life and communion of minde beneath the communion of body; granting no divorce, but to the want, or miscommunicating of that. *Hemingsius*, an approved Author, *Melanchtons* Scholler, and who next to *Bucer* and *Erasmus* writes of divorce most like a Divine, thus comprises, *Mariage is a conjunction of one man and one woman lawfully consenting, into one flesh, for mutual helps sake, ordain'd of God.* And in his explanation stands punctually upon the conditions of consent, that it be not in any main matter deluded, as beeing the life of wedloc, and no true mariage without a true consent. *Into one flesh* he expounds into one minde, as well as one body, and makes it the formal cause: Heerin only missing, while he puts the effect into his definition instead of the cause which the Text affords him. For *one flesh* is not the formal essence of wedloc, but one end, or one effect of a *meet help*; The end oft times beeing the effect and fruit of the form, as Logic teaches: Els many aged and holy matrimonies, and more eminently that of *Joseph* and *Mary*, would bee no true mariage. And that *maxim* generally receiv'd, would be fals, that

that *consent alone, without copulation never follow, makes the marriage.* Therefore to consent lawfully into one flesh, is not the formal cause of Matrimony, but only one of the effects. The Civil Lawyers, and first *Justinian* or *Tribonian* defines Matrimony a *conjunction of man and woman containing individual accustom of life.* Wherin first, individual is not so bad as indissoluble put in by others: And although much cavil might be made in the distinguishing between indivisible, and individual, yet the one tak'n for possible, the other for actual, neither the one nor the other can belong to the essence of marriage; especially when a Civilian defines, by which Law marriage is actually divorc't for many causes, and with good leav, by mutual consent. Therefore where *conjunction* is said, they who comment the *Institutes*, agree that conjunction of minde is by the Law meant, not necessarily conjunction of body. That Law then had good reason attending to its own definition, that divorce should be granted for the breaking of that conjunction which it holds necessary, sooner then for the want of that conjunction which it holds not necessary. And whereas *Turningus* a famous Lawyer excuses individual as the purpos of Mariage, not always the success, it suffices not. Purpos is not able to constitute the essence of a thing. Nature her self the universal Mother intends nothing but her own perfection and preservation; yet is not the more indissoluble for that. The *Pandects* out of *Modestinus*, though not define, yet well describe Mariage, *the conjunction of male and female, the society of all life, the communion of divine and human right:* which *Bucer* also imitates on the fifth to the *Ephesians*. But it seems rather to comprehend the several ends of Mariage, then to contain the more constituting cause that makes it what it is.

That I therefore among others (for who sings not *Hylas*) may give as well as take matter to be judg'd on, it will be lookt I should produce another definition then these which have not stood the tryal. Thus then I suppose that Mariage by the natural and plain order of Gods institution in the Text may be more demonstratively and essentially defin'd. *Mariage is a divine institution joyning man and woman in a love fully dispos'd to the helps and comforts of domestic life. A divine institution.* This contains the prime efficient cause of Mariage; as for consent of Parents and Guardians, it seems rather a concurrence then a cause; for as many, that marry are in their own power as not; and where they are not thir own, yet are they not subjected beyond reason.

reason. Now though efficient causes are not requisite in a definition, yet divine institution hath such influence upon the *Form*, and is so a conserving cause of it, that without it the *Form* is not sufficient to distinguish matrimony from other conjunctions of male and female, which are not to be counted marriage. *Joining man and woman in a love, &c.* This brings in the parties consent; until which be, the marriage hath no true being. When I say *consent*, I mean not error, for error is not properly consent: And why should not consent be here understood with equity and good to either part, as in all other friendly covenants, and not be strain'd and cruelly urg'd to the mischief and destruction of both? Neither do I mean that singular act of consent which made the contract, for that may remain, and yet the marriage not true nor lawful; and that may cease, and yet the marriage both true and lawful, to their sin that break it. So that either as no efficient at all, or but a transitory, it comes not into the definition. That consent I mean which is a love fitly dispos'd to mutual help and comfort of life; this is that happy *Form* of marriage naturally arising from the very heart of divine institution in the Text, in all the former definitions either obscurely, and under mistak'n terms express'd, or not at all. This gives marriage all her due, all her benefits, all her being, all her distinct and proper being. This makes a marriage not a bondage, a blessing not a curse, a gift of God not a snare. Unless there be a love, and that love born of fitness, how can it last? unless it last, how can the best and sweetest purposes of marriage be attain'd, and they not attain'd, which are the chief ends, and with a lawful love constitute the formal cause itself of marriage, how can the essence thereof subsist, how can it be indeed what it goes for? Conclude therefore by all the power of reason, that where this essence of marriage is not, there can be no true marriage; and the parties either one of them, or both are free, and without fault rather by a nullity, then by a divorce may betake them to a second choys; if their present condition be not tolerable to them. If any shall ask, why *domestic* in the definition? I answer, that because both in the Scriptures, and in the gravest Poets and Philosophers I finde the properties and excellencies of a wife set out only from domestic virtues; if they extend further, it diffuses them into the notion of some more common duty than matrimonial.

Thus farre of the definition; the *Consentary* which flows from thence,

thence, and altogether depends thereon, is manifestly brought in by this connexive particle *Therefore*; and branches it self into a double consequence; First individual Society, *therefore shall a man leave father and mother*: Secondly conjugal benevolence, *and they shall be one flesh*. Which as was shewn, is not without cause heer mention'd, to prevent and to abolish the suspect of pollution in that natural and undefiled act. These consequences therefore cannot either in Religion, Law, or Reason be bound, and posted upon mankind to his sorrow and misery, but receive what force they have from the meetness of help and solace, which is the *formal* cause and end of that definition that sustains them. And although it be not for the Majesty of Scripture to humble her self in artificial *theorems*, and definitions, and *Corollaries*, like a professor in the Schools, but looks to be *analys'd*, and interpreted by the logical industry of her Disciples and followers, and to be reduc'd by them, as oft as need is, into those *Sciential* rules, which are the implements of instruction, yet *Moses*, as if foreseeing the miserable work that mans ignorance and pusillanimity would make in this matrimonious business, and endeavouring his utmost to prevent it, condescends in this place to such a methodical and School-like way of defining, and consequenceing, as in no place of the whole Law more.

Thus wee have seen, and if wee be not contentious, may know what was Marriage in the beginning, to which in the Gospel wee are refer'd; and what from hence to judge of nullity, or divorce. Heer I esteem the work don; in this field the controversie decided; but because other places of Scripture seem to look averily upon this our decision, although indeed they keep all harmony with it, and because it is a better work to reconcile the seeming diversities of Scripture, then the reall dissensions of neerest friends, I shall assay in three following Discourses to perform that Office.

Deut. 24. 1, 2.

1 *When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her, then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.*

2 And

2 And when she is departed out of his house, she may goe and be another mans wife.

THat which is the only discommodity of speaking in a cleer matter, the abundance of argument that presses to bee utter'd, and the suspence of judgement what to choose, and how in the multitude of reason, to be not tedious, is the greatest difficulty which I expect heer to meet with. Yet much hath bin said formerly concerning this Law in the *Doctrine of divorce*; Wherof I shall repeat no more then what is necessary. Two things are heer doubted: First, and that but of late, whether this bee a Law or no, next what this reason of *uncleannes* might mean for which the Law is granted; That it is a plain Law no man ever question'd, till *Vatulus* within these hundred years profess'd Hebrew at *Paris*, a man of no Religion, as *Beza* deciphers him. Yet som there be who follow him, not only against the current of all antiquity, both Jewish and Christian, but the evidence of Scripture also, *Malach. 2. 16. Let him who hateth put away saith the Lord God of Israel.* Although this place also hath bin tamper'd with, as if it were to be thus render'd, *The Lord God saith, that hee hateth putting away.* But this new interpretation rests only in the authority of *Junius*; for neither *Calvin*, nor *Vatulus* himself, nor any other known, Divine so interpreted before. And they of best note who have translated the Scripture since, and *Diodati* for one, follow not his reading. And perhaps they might reject it, if for nothing els, for these two reasons: First, it introduces in a new manner the person of God speaking less Majestic then he is ever wont; When God speaks by his Prophet, he ever speaks in the first person; thereby signifying his Majesty and omni-presence. Hee would have said, I hate putting away, saith the Lord; and not sent word by *Malachi* in a sudden faine stile, *The Lord God saith that hee hateth putting away*: that were a phrase to shrink the glorious omnipresence of God speaking, into a kind of circumscriptive absence. And were as if a Herald in the *Attainment* of a King, should commit the *inducement* to set his helmet side-ways and close, not full fac't and open in the posture of direction and command. Wee cannot think therefore that this last Prophet would thus in a new fashion absent the person of God from his own words as if he came not along with them. For it would also be wide from the proper scope of this place: hee that reads attentively will soon perceav,

perceav, that God blames not heer the Jews for putting away thir wives, but for keeping strange Concubines, to the *profaning of Juda's holines*, and the vexation of thir Hebrew wives, v. 11. and 14. *Judah hath married the daughter of a strange God*. And exhorts them rather to put thir wives away whom they hate, as the Law permitted, then to keep them under such affronts. And it is receiv'd that this Profet livd in those times of *Ezra* and *Nehemiah* (nay by som is thought to bee *Ezra* himself) when the people were forc't by these two Worthies to put thir strange wives away. So that what the story of those times, and the plain context of the 11 verse, from whence this re-buke begins, can give us to conjecture of the obscure and curt *Ebraisms* that follow, this Profet does not forbid putting away, but forbids keeping, and commands putting away according to Gods Law, which is the plainest interpreter both of what God will, and what he can best suffer. Thus much evinces that God there commanded divorce by *Malachi*, and this confirms that he commands it also heer by *Moses*.

I may the less doubt to mention by the way an Author, thought counted Apocryphal; yet of no small account for piety and wisdom, the Author of *Ecclesiasticus*. Which Book begun by the Grand-father of that *Iesus* who is call'd the Son of *Sirach*, might have bin writt'n in part, not much after the time when *Malachi* livd; if wee compute by the Reigne of *Ptolemaus Evergetes*. It professes to explain the Law and the Profets; and yet exhorts us to divorce for incurable causes, and to cut off from the flesh those whom it there describes, *Ecclesiastic. 25. 26*. Which doubtles that wise and ancient Writer would never have advis'd, had either *Malachi* so lately forbidd'n it, or the Law by a full precept not left it lawful; But I urge not this for want of better proof; our Saviour himself allows divorce to be a command, *Mark, 10. 3. 5*. Neither doe they weak'n this assertion, who say it was only a sufferance, as shall be prov'd at large in that place of *Matthew*. But suppose it were not a writt'n Law, they never can deny it was a custom, and so effect nothing. For the same reasons that induce them why it should not bee a law, will strait'n them as hard why it should bee allow'd a custom. All custom is either evil or not evil; if it be evil, this is the very end of Law-giving, to abolish evil customs by wholsom Laws; unless wee imagine *Moses* weaker then every negligent and startling Politician. If

it be, as they make this of divorce to be, a custom against nature, against justice, against chastity, how, upon this most impure custom tolerated, could the God of purenes erect a nice and precise Law, that the wife married after divorce could not return to her former husband, as beeing defil'd? What was all this following nicenes worth, built upon the leud foundation of a wicked thing allow'd? In few words then, this custom of divorce either was allowable, or not allowable; if not allowable, how could it be allow'd? if it were allowable, all who understand Law will consent, that a tolerated custom hath the force of a Law, and is indeed no other but an unwritt'n Law, as *Justinian* calls it, and is as prevalent as any writt'n statute. So that this shift of turning this Law into a custom wheels about, and gives the onset upon their own flanks; not disproving, but concluding it to be the more firm law, because it was without controversy a granted custom; as cleer in the reason of common life, as those giv'n rules wheron *Euclides* builds his propositions.

Thus beeing every way a Law of God, who can without blasphemy doubt it to be a just and pure Law. *Moses* continually disavows the giving them any statute, or judgement, but what hee learnt of God; of whom also in his Song hee saith, Deut. 32. *Hee is the rock, his work is perfect, all his waies are judgement, a God of truth and without iniquity, just and right is hee.* And *David* testifies, the judgements of the Lord are true and righteous altogether. Not partly right and partly wrong, much less wrong altogether, as Divines of now adaies dare censure them. *Moses* again of that people to whom hee gave this Law saith, Deut. 14. *Ye are the children of the Lord your God, the Lord hath chosen thee to be a peculiar people to himself above all the nations upon the earth, that thou shouldst keep all his Commandments; and be high in praise, in name, and in honour, holy to the Lord,* Chap. 26: And in the fourth, *Behold I have taught you statutes and judgements, even as the Lord my God commanded mee, keep therefore and doe them. For this is your wisdom and your understanding in the sight of Nations that shall hear all these Statutes and say, surely this great Nation is a wise and understanding people. For what Nation is ther so great, who hath God so nigh to them? and what Nation that hath Statutes and Judgements so righteous as all this Law which I set before you this day?* Thus whether wee look at the purity and justice of God himself, the jealousy of his honour among other Nations, the holines and moral perfection which hee

hee intended by his Law to teach this people, wee cannot possibly think how he could indure to let them slugg & grow inveterately wicked, under base allowances; & whole adulterous lives by dispensation. They might not eat, they might not touch an unclean thing; to what hypocrisy then were they train'd up, if by prescription of the same Law, they might be unjust, they might be adulterous for term of life? forbid to soile thir garments with a coy imaginary pollution, but not forbid, but countnanc't and animated by Law to soile thir soules with deepest defilements. What more unlike to God, what more like that God should hate, then that his Law should bee so curious to wash vessels, and vestures, and so careless to leav unwasht, unregarded, to foul a scab of *Egypt* in thir Soules? what would wee more? the Statutes of the Lord are all pure and just: and if all, then this of Divorce.

Because hee hath found som uncleannes in her. That wee may not esteem this law to bee a meer authorizing of licence, as the Pharisees took it, *Moses* adds the reason, for *som uncleannes found*. Som heertofore have bin so ignorant, as to have thought, that this *uncleannes* means adultery. But *Erasmus*, who for having writ an excellent Treatise of Divorce, was wrote against by som burly standard Divine, perhaps of *Cullen*, or of *Lovain*, who calls himself *Phimostomus*, shews learnedly out of the Fathers with other Testimonies and Reasons, that *uncleannes* is not heer so understood; defends his former work, though new to that age, and perhaps counted licentious, and fears not to ingage all his fame on the Argument. Afterward, when Expositors began to understand the Hebrew Text, which they had not done of many ages before, they translated word for word not *uncleannes*, but *the nakednes of any thing*; and considering that nakednes is usually referr'd in Scripture to the minde as well as to the body, they constantly expound it any defect, annoyance, or ill quality in nature, which to bee joyn'd with, makes life tedious, and such company wors then solitude. So that heer will be no cause to vary from the generall consent of exposition, which gives us freely that God permitted divorce, for whatever was unalterably distasteful, whether in body or mind. But with this admonishment, that if the *Roman* law especially in contracts and dowries left many things to equity with these cautions, *ex fide bonâ, quod agnitus melius eris, ut inter bonos bene ager*, wee will not grudge to think that God intended not licence heer to every humor, but to such remedies greivance

ces as might move a good, and honest, and faithfull man then to divorce, when it can no more bee peace or comfort to either of them continuing thus joyn'd. And although it could not be avoided, but that men of hard hearts would abuse this liberty, yet doubtles it was intended as all other privileges in Law are, to good men principally, to bad only by accident. So that the sin was not in the permission, nor simply in the action of divorce (for then the permitting also had bin sin) but only in the abuse. But that this Law should, as it were, bee wrung from God and *Moses*, only to serve the hard heartednes, and the lust of injurious men, how remote it is from all sense, and law, and honesty, and therefore surely from the meaning of Christ, shall abundantly be manifest in due order.

Now although *Moses* needed not to adde other reason of this law then that one there exprest, yet to these ages wherin Canons, and *Scotisms*, and *Lumbard* Laws, have dull'd, and almost obliterated the lively Sculpture of ancient reason, and humanity, it will be requisite to heap reason upon reason, and all little enough to vindicate the whitenes and the innocence of this divine Law, from the calumny it findes at this day, of being a dore to licence and confusion. When as indeed there is not a judicial point in all *Moses*, consisting of more true equity, high wisdom, and God-like pitty then this Law; not delegating, but preserving the honour and peace of Mariage, and exactly agreeing with the sense and mind of that institution in *Genesis*.

For first, if Mariage be but an ordain'd relation, as it seems not more, it cannot take place above the prime dictats of nature; and if it bee of natural right, yet it must yeeld to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural that *Hugh* marries *Beatrice*, or *Thomas* *Rebecca*, being only a civill contract, and full of many chances, but that these men seek them meet helps, that only is natural; and that they espouse them such, that only is matiage. But if they find them neither fit helps, nor tolerable society, what thing more natural, more original and first in nature then to depart from that which is irksom, greivous, actively hateful, and injurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and wher the foret abiding of the one, can bee no true good, no real comfort to the other. For if hee find no contentment from the other, how can he re-

turn

turn it from himself, or no acceptance, how can bee mutually accept? what more equal, more pious then to untie a civil knot for a natural enmity held by violence from parting, to dissolve an accidental conjunction of this or that man & woman, for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltless, contrary from contrary? It beeing certain that the mystical and blessed unity of marriage can bee no way more unhallow'd and profan'd, then by the forcible uniting of such disunions and separations. Which if wee see oft times they cannot joyn or peece up to a common friendship, or to a willing conversation in the same house, how should they possibly agree to the most familiar and united amity of wedlock? *Abraham* and *Lor*, though dear friends and brethren in a strange Country, chose rather to part asunder, then to infect thir friendship with the strife of thir servants: *Paul* and *Barnabas* joyn'd together by the Holy Ghost to a Spiritual work, thought it better to separate when once they grew at variance. If these great Saints joyn'd by nature, friendship, religion, high providence, and revelation, could not so govern a casual difference, a sudden passion, but must in wisdom divide from the outward duties of a friendship, or a Collegueship in the same family, or in the same journey, lest it should grow to a wors division, can any thing bee more absurd and barbarous then that they whom only error, casualty, art or plot hath joyn'd, should be compell'd, not against a sudden passion but against the permanent and radical discords of nature, to the most intimat and incorporating duties of love and imbracement, therein only rational and human, as they are free and voluntary; beeing els an abject and servile yoke, scars not brutish. And that there is in man such a peculiar sway of liking, or disliking in the affairs of matrimony is evidently seen before marriage among those who can bee freindly, can respect each other, yet to marry each other would not for any perswasion. If then this unfitness and disparity bee not till after marriage discover'd, through many causes, and colours, and concealments, that may overshadow; undoubtedly it will produce the same effects and perhaps with more vehemence, that such a mistakn pair, would give the world to be unmarried again. And thir condition *Solomon* to the plain justification of divorce expresses, *Prov.* 30. 21. 23. Where hee tells us of his own accord, that a *hated*, or a *hateful* woman, *when shee is married, is a thing for which the earth is disquieted and cannot*

bear it; thus giving divine testimony to this divine Law, which bids us nothing more then is the first and most innocent lesson of nature, to turn away peaceably from what afflicts and hazards our destruction; especially when our staying can doe no good, and is expos'd to all evil.

Secondly, It is unjust that any Ordinance ordain'd to the good and comfort of man, where that end is missing, without his fault, should be forc't upon him to an unsufferable misery and discomfort, if not commonly ruin. All Ordinances are establish'd in this end; the end of Law is the vertue, is the righteousness of Law. And therefore him wee count an ill Expounder who urges Law against the intention thereof. The general end of every Ordinance, of every severest, every divinest, even of Sabbath is the good of man, yea his temporal good not excluded. But marriage is one of the benignest ordinances of God to man, wherof both the general and particular end is the peace and contentment of mans mind, as the institution declares. Contentment of body they grant, which if it bee defrauded, the plea of frigidity shall divorce: But heer lies the sadomles absurdity, that granting this for bodily defect, they will not grant it for any defect of the mind, any violation of religious or civil society. When as, if the argument of Christ bee firm against the ruler of the Synagogue, Luk. 13. *Thou hypocrite, dost not each of you on the Sabbath day loos'n his Oxe or his Ass from the stall, and lead him to watering, and should not I unbind a daughter of Abraham from this bond of Satan?* it stands as good heer, yee have regard in marriage to the greivance of body, should you not regard more the greivances of the mind, seeing the Soul as much excells the body, as the outward man excells the Ass and more; for that *animal* is yet a living creature, perfect in it self; but the body without the Soul is a meer senseless trunck. No Ordinance therefore givn particularly to the good both spiritual and temporal of man, can bee urg'd upon him to his mischeif, and if they yeeld this to the unworthier part, the body, wherabout are they in their principles, that they yeeld it not to the more worthy, the mind of a good man?

Thirdly, As no Ordinance, so no Covenant, no not between God and man, much less between man and man, being as all are, intended to the good of both parties, can hold to the deluding or making miserable of them both. For equity is understood in every Covenant,

even

even between enemies, though the terms bee not exprest. If equity therefore made it, extremity may dissolv it. But Mariage, they use to say, is the Covenant of God. Undoubted: and so is any covenant frequently call'd in Scripture, wherein God is call'd to witness: the covenant of freindship between *David* and *Jonathan*, is call'd *the Covenant of the Lord*, 1 Sam. 20. The covenant of *Zedechiah* with the King of *Babel*, a Covenant to bee doubted whether lawfull or no, yet in respect of God invoc't thereto, is call'd *the Oath, and the Covenant of God*,. Ezech. 17. Mariage also is call'd *the Covenant of God*, Prov. 2. 17. Why, but as before, because God is the witness therof, Malach. 2. 14. So that this denomination adds nothing to the Covenant of Mariage, above any other civil and solemn contract: nor is it more indissoluble for this reason, then any other against the end of its own ordination, nor is any vow or Oath to God exacted with such a rigor, where superstition reignes not. For look how much divine the Covenant is, so much the more equal; So much the more to bee expected that every article therof should bee fairly made good, no fals dealing, or unperforming should be thrust upon men without redress, if the covenant bee so divine. But faith they say must bee kept in Covenant, though to our damage. I answer, that only holds true, where the other side performs, which failing, hee is no longer bound. Again, this is true, when the keeping of faith can bee of any use, or benefit to the other. But in Mariage a league of love and willingnes, if faith bee not willingly kept, it tears is worth the keeping; nor can bee any delight to a generous minde, with whom it is forcibly kept: and the question still supposes the one brought to an impossibility of keeping it as hee ought, by the others default, and to keep it formally, not only with a thousand shifts and dissimulations, but with open anguish, perpetual sadnes and disturbance, no willingnes, no cheerfulness, no contentment, cannot bee any good to a minde not basely poor and shallow, with whom the contract of love is so kept. A Covenant therefore brought to that passe, is on the unfaulty side without injury dissolv'd.

Fourthly, The Law is not to neglect men under greatest sufferances, but to see Covenants of greatest moment faithfullest perform'd. And what injury comparable to that sustain'd in a frustrat and fals dealing Mariage, to loose, for anothers fault against him, the best portion of his temporal comforts, and of his spiritual too, as it may fall out.

It:

It was the Law, that for mans good and quiet, reduc't things to propriety, which were at first in common; how much more Law-like were it to assist nature in disappropriating that evil which by continuing proper becomes destructive. But hee might have bewar'd. So hee might in any other covenant, wherein the Law does not constrain error to so dear a forfeit. And yet in these matters wherein the wisest are apt to erre, all the warines that can bee, oft times nothing avails. But the Law can compell the offending party to bee more duteous. Yes, if all these kind of offences were fit in public to bee complain'd on, or beeing compell'd were any satisfaction to a mate not fortiff, or malicious. And these injuries work so vehemently, that if the Law remedy them not, by separating the cause when no way els will pacify, the person not releev'd betakes him either to such disorderly courses, or to such a dull dejection, as renders him either infamous, or useles to the service of God and his Country. Which the Law ought to prevent as a thing pernicious to the Common wealth; and what better prevention then this which *Moses* us'd?

Fifthly, The Law is to tender the liberty and the human dignity of them that live under the Law, whether it bee the mans right above the woman, or the womans just appeal against wrong, and servitude. But the duties of marriage contain in them a duty of benevolence, which to doe by compulsion against the Soul, where ther can bee neither peace, nor joy, nor love, but an enthrallment to one who either cannot, or will not bee mutual in the godliest and the civilest ends of that society, is the ignoblest, and the lowest slavery that a human shape can bee put to. This Law therefore justly and piously provides against such an unmanly task of bondage as this. The civil Law, though it favour'd the setting free of a slave, yet if hee prov'd ungratefull to his Patron, reduc't him to a servil condition. If that Law did well to reduce from liberty to bondage for an ingratitude not the greatest, much more became it the Law of God to enact the restorement of a free born man from an unpurpos'd, and unworthy bondage to a rightfull liberty for the most unnatural fraud and ingratitude that can be committed against him. And if that Civilian Emperour in his title of *Donations*, permit the giver to recall his gift from him who proves unthankful towards him, yea, though hee had subscrib'd and sign'd in the deed of his gift, not to recall it though for this very cause of ingratitude, with much more equity doth *Moses*

permit her the giver to recall no pettinguist, but the guilt of himself from one who most injuriously & deceitfully uses him against the main ends and conditions of his giving himself, express in Gods institution.

Sixthly, Although ther bee nothing in the plain words of this Law, that seems to regard the afflictions of a wife, how great so ever, yet Expositors determin, and doubtles determin rightly, that God was not uncompassionate of them also in the framing of this Law. For should the rescript of *Antoninus* in the Civil Law give release to servants flying for refuge to the Emperours statue, by giving leav to change thir cruel Maisters, and should God who in his Law also is good to injur'd servants, by granting them thir freedom in divers cases, not consider the wrongs and miseries of a wife which is no servant. Though heerin the counter sense of our Divines, to me, I must confesse seems admirable; who teach that God gave this as a mercifull Law, not for man whom he heer names, and to whom by name hee gives this power, but for the wife whom hee names not, and to whom by name hee gives no power at all. For certainly if man be liable to injuries in marriage, as well as woman, and man be the worthier person, it were a preposterous law to respect only the less worthy; her whom God made for marriage, and not him at all for whom marriage was made.

Seventhly, The Law of marriage gives place to the power of Parents: for wee hold that consent of Parents not had may break the wedlock, though els accomplisht. It gives place to maisterly power, for the Maister might take away from an Hebrew servant the wife which hee gave him, *Exod. 21*. If it be answer'd that the marriage of servants is no matrimony: tis reply'd, that this in the ancient *Roman* Law is true, not in the *Mosaic*. If it bee added, she was a stranger not an Hebrew, therefore easily divorc't, it will be answerd that strangers not beeing *Canaanites*, and they also beeing Converts might bee lawfully maryed, as *Rahab* was. And her conversion is heer suppos'd; for an Hebrew maister could not lawfully give a heathen wife to an Hebrew servant. However, the divorcing of an Israelitish woman was as easy by the Law, as the divorcing of a stranger, and almost in the same words permitted, *Deut. 24*. and *Deut. 21*. Lastly, it gives place to the right of war, for a captiv woman lawfully maryed, and afterward not belov'd, might bee dismiss'd only without ransom. *Deut. 21*. If marriage may bee dissolv'd by so

many exterior powers, not superior, as wee think, why may not the power of mariage it self for its own peace and honour dissolv it self, wher the persons wedded be free persons, why may not a greater and more natural power complaining dissolv mariage? for the ends why matrimony was ordain'd, are certainly and by all Logic above the Ordinance it self, why may not that dissolv mariage without which that institution hath no force at all? for the prime ends of mariage, are the whole strength and validity therof, without which matrimony is like an Idol, nothing in the world. But those former allowances were all for hardnes of heart. Be that granted, untill we come where to understand it better: if the Law suffer thus farr the obstinacy of a bad man, is it not more righteous heer, to doe willingly what is but equal, to remove in season the extremities of a good man?

Eightly, If a man had deflowr'd a Virgin, or brought an ill name on his wife that shee came not a Virgin to him, hee was amerç't in certain shekles of Silver, and bound never to divorce her all his daies, *Deut. 22.* which shews that the Law gave no liberty to divorce, wher the injury was palpable; and that the absolute forbidding to divorce, was in part the punishment of a deflowerer, and a defamer. Yet not so but that the wife questionles might depart when shee pleas'd. Otherwise this cours had not so much righted her, as deliverd her up to more spight and cruel usage. This Law therefore doth justly distinguish the privilege of an honest and blameles man in the matter of divorce from the punishment of a notorious offender.

Ninthly, Suppose it might bee imputed to a man, that hee was too rash in his choyse and why took hee not better heed, let him now smart, and bear his folly as he may; although the Law of God, that terrible law doe not thus upbraid the infirmities and unwilling mistakes of man in his integrity: But suppose these and the like proud aggravations of some stern hypocrite, more merciles in his mercies, then any literall Law in the vigor of severity, must be patiently heard; yet all Law, and Gods Law especially grants every where to error easy remittments, even where the utmost penalty exacted were no undoing. With great reason therefore and mercy doth it heer not torment an error, if it be so, with the endurance of a whole life lost to all household comfort and society, a punishment of too vast and huge dimension for an error, and the more unreasonable for that the like objection may be oppos'd against the plea of divorcing for adultery; hee might

might have lookt better before to her breeding under religious Parents: why did hee not then more diligently inquire into her manners, into what company she kept? every glaunce of her eye, every step of her gait would have prophci'd adultery, if the quick sent of these discerners had bin took along; they had the divination to have foretold you all this; as they have now the divinity to punish an error inhumanly. As good reason to be content, and forc't to be content with your adulteress, if these objecters might be the judges of human frailtie. But God more mild and good to man, then man to his brother, in all this liberty givn to divorcement, mentions not a word of our past errors and mistakes, if any were, which these men objecting from their own inventions prosecute with all violence and iniquity. For if the one bee to look so narrowly what hee takes, at the peril of ever keeping, why should not the other bee made as wary what is promis'd, by the petil of loosing? for without those promises the treaty of mariage had not proceeded. Why should his own error bind him, rather then the others fraud acquit him? Let the buyer beware, saith the old Law-beaten termier. Belike then ther is no more honesty, nor ingenuity in the bargain of a wedloc, then in the buying of a colt: Wee must it seems drive it on as craftily with those whose affinity wee seek, as if they were a pack of sale men and comploters. But the deceiver deceivs himself in the unprosperous mariage, and therein is sufficiently punisht. I answer, that the most of those who deceiv, are such as either understand not, or value not the true purposes of mariage; they have the prey they seek, not the punishment: yet say it prove to them som crois, it is not equal that error and fraud should bee linkt in the same degree of forfeiture, but rather that error should be acquitted, and fraud bereav'd his morsel: if the mistake were not on both sides, for then on both sides the acquitment will be reasonable, if the bondage be intolerable; which this Law graciously determines, not unmindful of the wife; as was granted willingly to the common Expositors, though beyond the letter of this law, yet not beyond the spirit of charity.

Tenthly, Mariage is a solemn thing, som say a holy, the resemblance of Christ and his Church; and so indeed it is where the persons are truly religious; and wee know all Sacred things not perform'd sincerely as they ought, are no way acceptable to God in thir outward formality. And that wherein it differs from personal duties, if they be

not truly don, the fault is in our selves; but marriage to be a true and pious marriage is not in the single power of any person; the essence whereof, as of all other Covenants is in relation to another, the making and maintaining causes thereof are all mutual, and must be a communion of spiritual and temporal comforts. If then either of them cannot, or obstinately will not be answerable in these duties, so as that the other can have no peaceful living, or enduring the want of what he justly seeks, and sees no hope, then strait from that dwelling love, which is the soul of wedlock, takes his flight, leaving only some cold performances of civil and common respects, but the true bond of marriage, if there were ever any there, is already burst like a rotten thread. Then follows dissimulation, suspicion, false colours, false pretences, and worse than these, disturbance, annoyance, vexation, sorrow, temptation even in the faultless person, weary of himself, and of all action public or domestic; then comes disorder, neglect, hatred, and perpetual strife, all these the enemies of holiness and christianity, and every one of these persists in, a remediless violation to matrimony. Therefore God who hates all feigning and formality, wher there should be all faith and sincereness, and abhors to see inevitable discord, wher there should be greatest concord, when through anothers default, faith and concord cannot be, counts it neither just to punish the innocent with the transgressor, nor holy, nor honourable for the sanctity of marriage, that should be the union of peace and love, to be made the commitment, and close fight of enmity and hate. And therefore doth in this Law, what best agrees with his goodness, loosing a sacred thing to peace and charity, rather than binding it to hatred and contention; loosing only the outward and formal tie of that which is already inwardly, and really broken, or els was really never joyn'd.

Eleventhly, One of the chief matrimonial ends is said to seek a holy seed; but where an unfit marriage administers, continual cause of hatred and dis Temper, there, as was heard before, cannot choose but much unholiness abide. Nothing more unhallows a man, more unprepares him to the service of God in any duty, than a habit of wrath and perturbation, arising from the importunity of troublesome causes never desent. And when the household stands in this plight, what love can there be to the unfortunate issue, what care of the breeding, which is of such consequence to this being holy. God therefore knowing

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how unhappy it would bee for children to bee born in such a family, gives this Law either as a prevention, that beeing an unhappy pair, they should not adde to bee unhappy parents, or els as a remedy that if ther be children, while they are fewest, they may follow either parent, as shall bee agreed, or judg'd, from the house of hatred and discord, to a place of more holy and peaceable education.

Twelfthly, All Law is available to som good end, but the final prohibition of divorce avails to no good end, causing only the endles aggravation of evil, and therefore this permission of divorce was givn to the Jews by the wisdom and fatherly providence of God; who knew that Law cannot command love, without which, matrimony hath no true beeing, no good, no solace, nothing of Gods instituting, nothing but so fordid and so low, as to bee disdain'd of any generous person. Law cannot inable natural inability either of body, or mind, which gives the greivance; it cannot make equal those inequalities, it cannot make fit those unsuitnesses; and where there is malice more then defect of nature, it cannot hinder ten thousand injuries, and bitter actions of despight too subtle and too unapparent for Law to deal with. And while it seeks to remedy more outward wrongs, it exposes the injur'd person to other more inward and more cutting. All these evils unavoidably will redound upon the children, if any be, and the whole family. It degenerates and disorders the best spirits, leaves them to unsettl'd imaginations, and degraded hopes, careless of themselves, their household and their freinds, unactive to all public service, dead to the Common-wealth; wherein they are by one mishapp, and no willing trespass of theirs, outlaw'd from all the benefits and comforts of married life and posterity. It confers as little to the honour and inviolable keeping of Matrimony, but sooner stirs up temptations, and occasions to secret adulteries, and unchast roaving. But it maintaines public honesty. Public folly rather, who shall judge of public honesty? the Law of God, and of ancientest Christians, and all Civil Nations, or the illegitimat Law of Monks and Canonists, the most malevolent, most unexperienc't, and incompetent judges of Matrimony?

These reasons, and many more that might bee alleg'd, afford us plainly to perceav, both what good cause this Law had to doe for good men in mischances, and what necessity it had to suffer accidentally the hard heartednes of bad men, which it could not certainly discover

discover, or discovering could not subdue, no nor endeavour to restrain without multiplying sorrow to them, for whom all was endeavour'd. The guiltles therefore were not depriv'd thir needful redresses, and the hard hearts of others unchangeable in those judicial Courts, were so remitted there, as bound over to the higher Session of Conscience.

Notwithstanding all this, ther is a loud exception against this Law of God, nor can the holy Author save his Law from this exception, that it opens a dore to all licence and confusion. But this is the rudest, I was almost saying the most graceles objection, and with the least reverence to God and *Moses*, that could bee devis'd: This is to cite God before mans Tribunal, to arrogate a wisdom and holines above him. Did not God then foresee what event of licence or confusion could follow? did not hee know how to ponder these abuses with more prevailing respects, in the most even ballance of his justice and purenes, till these correctors came up to shew him better? The Law is, if it stirre up sin any way, to stirre it up by forbidding, as one contrary excites another; *Rom. 7.* but if it once come to provoke sin, by granting licence to sin, according to Laws that have no other honest end, but only to permit the fulfilling of obstinat lust, how is God not made the contradicter of himself? No man denies that best things may bee abus'd: but it is a rule resulting from many pregnant experiences, that what doth most harm in the abusing, us'd rightly doth most good. And such a good to take away from honest men, for bee-ing abus'd by such as abuse all things, is the greatest abuse of all. That the whole Law is no furdre usefull, then as a man uses it lawfully, *St. Paul* teaches, *Tim. 1.* And that Christian liberty may bee us'd for an occasion to the flesh, the same Apostle confesses, *Galat. 5.* yet thinks not of removing it for that, but bids us rather *Stand fast in the liberty wherewith Christ hath freed us, and not bee held again in the yoke of bondage.* The very permission which Christ gave to divorce for adultery, may bee foully abus'd; by any whose hardnes of heart can either sain adultery, or dares committ, that hee may divorce. And for this cause the Pope, and hitherto the Church of *England*, forbid all divorce from the bond of marriage, though for openest adultery. If then it bee righteous to hinder for the fear of abuse, that which Gods Law notwithstanding that caution, hath warranted to bee don, doth not our righteousness come short of Antichrist, or doe we not rather

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heerin conform our selvs to his unrighteousnes in this undue and unwise fear. For God regards more to releev by this Law the just complaints of good men, then to curb the licence of wicked men, to the crushing withall, and the overwhelming of his afflicted servants. He loves more that his Law should look with pittie upon the difficulties of his own, then with rigor upon the boundlesse riots of them who serv another Maister, and hinder'd heer by strictnes, will break another way to wors enormities. If this Law therfore have many good reasons for which God gave it, and no intention of giving scope to leudnes, but as abuse by accident comes in with every good Law, and every good thing, it cannot be wisdom in us, while we can content us with Gods wisdom, nor can be purity, if his purity will suffice us, to except against this Law, as if it foster'd licence. But if they affirm this Law had no other end, but to permitt obdurat lust, because it would bee obdurat, making the Law of God intentionally to proclame and enact sin lawfull, as if the will of God were becom sinfull, or sin stronger then his direct and Law-giving will, the men would bee admonisht to look well to it, that while they are so eager to shut the dore against licence, they doe not open a wors dore to blasphemy. And yet they shall bee heer furdur shewn thir iniquity; what more foul and common sin among us then drunkennes, and who can bee ignorant, that if the importation of Wine, and the use of all strong drink were forbid, it would both clean ridde the possibility of committing that odious vice, and men might afterwards live happily and healthfully, without the use of those intoxicating licors. Yet who is ther the severest of them all, that ever propounded to loos his Sack, his Ale, toward the certain abolishing of so great a sin, who is ther of them, the holiest, that less loves his rich Canary at meals, though it bee fetcht from places that hazard the Religion of them who fetch it, and though it make his neighbour drunk out of the same Tunne? While they forbid not therfore the use of that liquid Marchandise, which forbidd'n would utterly remove a most loathsom sin, and not impair either the health, or the refreshment of mankind, suppli'd many other wayes, why doe they forbid a Law of God, the forbidding wherof brings into an excessive bondage, oft times the best of men, and betters not the worst? Hee to remove a Nationall vice, will not pardon his cupps, nor think it concerns him to forbear the quaffing of that outlandish Grape, in his unnecessary fullnes, though other men abuse

abuse it never so much, nor is hee so obsequious as to intercede with the Magistrate that all matter of drunkenness be banisht the Commonwealth, and yet for the fear of a litle inconvenience unpardonably requires of his brethren, in thir extreme necessity to debarre themselves the use of Gods permissive Law, though it might bee thir saving, and no mans indangering the more. Thus this peremptory strictnes we may discern of what sort it is, how unequal, and how unjust.

But it will breed confusion. What confusion it would breed, God himself took the care to prevent in the fourth verse of this Chapter, that the divorc't being married to another, might not return to her former Husband. And *Justinian's* law counsels the same in his Title of *Nuptials*. And what confusion els can ther bee in separation, to separat, upon extrem urgency, the Religious from the irreligious, the fit from the unfit, the willing from the wilfull, the abus'd from the abuser, such a separation is quite contrary to confusion. But to binde and mixe together holy with Atheist, hevny with hellish, fitnes with unfitnes, light with darknes, antipathy with antipathy, the injur'd with the injurer, and force them into the most inward neernes of a detested union, this doubtles is the most horrid, the most unnatural mixture, the greatest confusion that can be confus'd?

Thus by this plain and Christian *Talmud* vindicating the Law of God from irreverent and unwary expositions, I trust, wher it shall meet with intelligible perusers, som stay at least of mens thoughts will bee obtain'd, to consider these many prudent and righteous ends of this divorcing permission. That it may have, for the great Authors sake, heerafter som competent allowance to bee counted a litle purer then the prerogative of a legal and public ribaldry, granted to that holy seed. So that from hence wee shall hope to finde the way still more open to the reconciling of those places which treat this matter in the Gospel. And therether now without interruption the cours of method brings us.

TETRACHORDON,

MATT. 5. 31, 32.

31 *It hath beene said whosoever shall put away his wife, let him give her a writing of divorcement.*

32 *But I say unto you that whosoever shall put away his wife, &c.*

MATT. 19. 3, 4. &c.

3 *And the Pharises also came unto him tempting him, &c.*



I *hath beene said.*] What hitherto hath beene spoke upon the law of God touching Matrimony or divorce, hee who will deny to have bin argu'd according to reason, and all equity of Scripture, I cannot edifie how, or by what rule of proportion that mans vertue calculates, what his *elements* are, nor what his *analytics*. Confidently to those who have read good bookes, and to those whose reason is not an illiterate booke to themselves I appeale, whether they would not confesse all this to bee the commentary of truth and justice, were it not for these recited words of our Saviour. And if they take not backe that which they thus grant, nothing sooner might perswade them that Christ heer teaches no new precept, and nothing sooner might direct them to finde his meaning, then to compare and measure it by the rules of nature and eternall rightcousnes, which no writt'n law extinguishes, and the Gospel least of all. For what can be more opposite and disparaging to the cov'nant of love, of freedom, & of our manhood in grace, then to bee made the yoking pedagogue of new severities, the scribe of syllables and rigid letters, not only greivous to the best of men, but different and strange from the light of reason in them, save only as they are faine to stretch & distort their apprehensions, for feare of displeasing the verbal straightnesse of a text, which our owne servil feare gives us not the leisure to understand aright. If the law of Christ shall be writt'n in our hearts, as was promis'd to the Gospel, *Jer.*

31, how can this in the vulgar and superficial sense be a law of Christ, so farre from being writt'n in our hearts, that it injures and disallows not only the free dictates of nature and morall law, but of charity also and religion in our hearts. Our Saviours doctrine is, that the end, and the fulfilling of every command is charity; no faith without it, no truth without it, no worship, no workes pleasing to God but as they partake of charity. He himselfe sets us an example, breaking the solemnest and the strictest ordinance of religious rest, and justify'd the breaking, not to cure a dying man, but such whose cure might without danger have beene deferr'd. And wherefore needes must the sick mans bed be carried home on that day by his appointment, and why were the Disciples who could not forbear on that day to pluck the corne, so industriously defended, but to shew us that if he prefer'd the slightest occasions of mans good before the observing of highest and severest ordinances, hee gave us much more easie leave to breake the intolerable yoke of a never well joynd wedlocke for the removing of our heaviest afflictions. Therefore it is that the most of evangelick precepts are given us in proverbiall formes, to drive us from the letter, though we love ever to be sticking there. For no other cause did Christ assure us that whatsoever things wee binde, or slacken on earth are so in heaven, but to signifie that the christian arbitrement of charity is supreme decider of all controversie, and supreme resolver of all Scripture; not as the Pope determines for his owne tyranny, but as the Church ought to determine for its owne true liberty. Hence *Eusebius* not far from beginning his History, compares the state of Christians to that of *Noah* and the Patriarkes before the Law. And this indeede was the reason, why *Apostolick* tradition in the antient Church was counted nigh equall to the writt'n word, though it carried them at length awry, for want of considering that tradition was not left to bee impos'd as law, but to be a patterne of that Christian prudence, and liberty which holy men by right assum'd of old, which truth was so evident, that it found entrance even into the Councell of *Trent*, when the point of tradition came to be discuss'd. And *Marinero* a learned *Carmelite* for approaching too neere the true cause that gave esteeme to tradition, that is to say, the difference betweene the Old and New Testament, the one punctually prescribing writt'n Law, the other guiding by the inward spirit, was reprehended by Cardinall *Poole* as one that had spoken more worthy a *German Colloquie*, then a generall councill. I omit many instances, many proofes and arguments of this kind, which alone would compile a just volume.

lume, and shall content me heer to have shew'n breisly, that the great and almost only commandment of the Gospel, is to command nothing against the good of man, and much more no civil command, against his civil good. If we understand not this, we are but crackt cimbals, we do but tinkle, we know nothing, we doe nothing, all the sweat of our toilsomest obedience will but mock us. And what wee suffer superstitiously returns us no thanks. Thus med'cining our eyes wee neede not doubt to see more into the meaning of these our Saviours words, then many who have gone before us.

[*It hath beene said, whosoever shall put away his Wife.*] Our Saviour was by the doctors of his time suspected of intending to dissolve the law. In this chapter he wipes off this aspersiō upon his accusers, and shewes how they were the law breakers. In every common wealth when it decays, corruption makes two maine steps; first when men cease to doe according to the inward and uncompell'd actions of vertue, caring only to live by the outward constraint of law, and turne the Simplicity of reall good, into the craft of seeming so by law. To this hypocritical honesty was Rome declin'd in that age, wherein *Horace* liv'd and discover'd it to *Quintius*.

*Whom doe we count a good man, Whom but he
Who keeps the lawes and statutes of the Senate,
Who judges in great suits and controversies,
Whose wisnesse and opinion winnes the cause;
But his owne house, and the whole neighbour hood
Sees his foule inside through his whited skin.*

The next declining is, when law becomes now too straight for the secular manners, and those too loose for the cincture of law. This brings in false and crooked interpretations to ecke out law, and invents the subtle encroachment of obscure traditions hard to be disprov'd. To both these descents the Pharises themselves were fall'n. Our Saviour therefore shewes them both where they broke the law in not marking the divine intent thereof, but onely the letter, and where they deprav'd the letter also with Iosophitticall expositions. This law of divorce they had deprav'd both waies. First, by teaching that to give a bill of divorce was all the duty which that law requir'd, what ever the cause were. Next by running to divorce for any triviall, accidentall cause; whenas the law evidently staves in the grave causes of naturall and immutable dislike. [*It hath been said* saith he Christ doth not put any contempt or disesteeme upon the

law of *Moses*, by citing it so briefly; for in the same manner God himselfe cites a law of greatest caution, *Ier. 3. They say if a man put away his wife, shall he returne to her againe, &c.* Nor doth hee more abolish it then the law of swearing, cited next with the same brevity, and more appearance of contradicting. For divorce hath an exception left it, but we are charg'd there; as absolutely as words can charge us, *not to sweare at all*: yet who denies the lawfulnessse of an oath, though here it be in no case permitted? And what shall become of his solemne protestation not to abolish one law, or one tittle of any law, especially of those which hee mentions in this chapter. And that hee meant more particularly the not abolishing of *Mosaic* divorce, is beyond all cavill manifest in *Luke 16. 17, 18*: where this clause against abrogating is inserted immediately before the sentence against divorce, as if it were call'd thither on purpose to defend the equity of this particular law against the foreseene rashnesse of common textuaries, who abolish lawes, as the rable demolish images, in the zeale of their hammers oft violating the Sepulchers of good men, like *Pentheus* in the tragedies, they see that for *Thebes* which is not, and take that for superstition, as these men in the heate of their annulling perceive not how they abolish right, and equall; and justice under the appearance of *judicial*. And yet are confessing all the while, that these sayings of Christ stand not in contradiction to the law of *Moses*, but to the false doctrine of the Pharises rais'd from thence; that the law of God is perfect, not liable to additions or diminutions, & *Parans* accuses the Jesuite *Maldonatus* of greatest falsity for limiting the perfection of that law only to the rudenes of the Jewes. He adds that the law promiseth life to the performers thereof; therefore needs not perfecter precepts, then such as bring to life; that if the corrections of Christ stand opposite, not to the corruptions of the Pharises, but to the law it selfe of God, the heresie of *Manes* would follow, one God of the old Testament, and another of the New. That Christ saith not here except your righteousness exceede the righteousnessse of *Moses* law, but of the *Scriptures* and *Pharises*. That all this may be true, whether is common sense shewn afloat, if we can maintaine that Christ forbid the *Mosaic* divorce utterly, and yet abolish not the law that permits it? For if the conscience onely were checkt, and the law not repeal'd, what means the *fanatic* boldnesse of this age that dares tutor Christ to be more strict then he thought fit? ye shall have the evasion, it was a *judiciall* law. What could infancy and slumber have invented more childish? *judiciall* or not *judiciall*, it was one of those lawes expressly, which he forewarn'd us with protestation, that his

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mind was not to abrogate; and if we marke the cleavage of his words, what course they hold, wee may perceive that what he protested not to dissolve (that he might faithfully & not deceitfully remove a suspicion from himselfe) was principally concerning the judiciall law; for of that sort are all these here which he vindicates; except the last. Of the Ceremonial law he told them true, that nothing of it should passe *untill all were fullfild*. Of the morall law he knew the Pharises did not suspect he meant to nullifie that: for so doing would soone have undone his authority, and advanc'd theirs. Of the judiciall law therefore chiefly this Apologie was meant: For how is that fullfild longer then the common equity thereof remains in force? And how is this our Saviours defence of himselfe, not made fallacious, if the Pharises chiefe feare be, least he should abolish the judiciall law, and he to satisfie them, protests his good intention to the Moral law. It is the generall grant of Divines, that what in the Judicial law is not meereley *judaicall*, but reaches to human equity in common, was never in the thought of being abrogated. If our Saviour tooke away ought of law, it was the burthen some of it, not the ease of burden, it was the bondage, not the liberty of any divine law that he remov'd: this he often profess'd to be the end of his coming. But what if the law of divorce be a morall law, as most certainly it is fundamentally, and hath been so provid in the reasons thereof. For though the giving of a bill may be judiciall, yet the act of divorce is altogether conversant in good or evill, and so absolutely moral. So farr as it is good it never can be abolisht being morall; so farr as it is simply evil it never could be judiciall, as hath beene shewen at large in the *Doftrine of divorce*, and will be resum'd anon. Whence one of these two necessities follow, that either it was never established, or never abolisht. Thus much may be enough to have said on this place. The following verse will be better unfolded in the 19. Chapter, where it meets us againe, after a large debatement on the question, between our Saviour and his adversaries.

M A T. 19. 3. 4. &c.

V. 3. *And the Pharises came unto him tempting him and saying unto him.*

[*Tempting him.*] The manner of these men coming to our Saviour, not to learne, but to tempt him, may give us to expect that their answer will bee such as is fittest for them, not so much a teaching, as an intangling. No man though never so willing or so well enabled to in-

struct, but if he discern his willingnesse and candor made use of to intrapp him, will suddainly draw in himselfe, and laying aside the facil vein of perspicuity, will know his time to utter clouds and riddles; If he be not lesse wise then that noted Fish, when as he should bee not unwiser then the Serpent. Our Saviour at no time exprest any great desire to teach the obstinate and unteachable Pharises; but when they came to tempt him, then least of all. As now about the liberty of divorce, so another time about the punishment of adultery they came to sound him, and what satisfaction got they from his answer, either to themselves or to us, that might direct a law under the Gospel, new from that of *Moses*, unlesse we draw his absolution of adultery into an edict. So about the tribute, who is there can picke out a full solution, what and when we must give to *Cesar*, by the answer which he gave the Pharises? If we must give to *Cesar* that which is *Cesar's*, and all be *Cesar's*, which hath his image, wee must either new stamp our Coine, or we may goe new stamp our Foreheads with the superscription of slaves in stead of freemen. Besides it is a generall precept, not only of Christ, but of all other Sages, not to instruct the unworthy and the conceited who love tradition more then truth, but to perplex and stumble them purposely with contriv'd obscurities. No wonder then if they who would determine of divorce by this place, have ever found it difficult, and unsatisfying through all the ages of the Church, as *Austine* himselfe and other great writers confesse. Lastly it is manifest to be the principal scope of our Saviour both here, and in the 5. of *Mat.* to convince the Pharises of what they being evill did licentiously, not to explaine what others being good and blamelesse men might be permitted to doe in case of extremity. Neither was it seasonable to talke of honest and conscientious liberty among them who had abused legall and civil liberty to uncivil licence. We doe not say to a servant what we say to a sonne; nor was it expedient to preach freedom to those who had transgress in wantonnesse. When we rebuke a Prodigal, we admonish him of thrift, not of magnificence, or bounty. And to school a proud man we labour to make him humble, not magnanimous. So Christ to retort these arrogant inquisitors their own, tooke the course to lay their hautinesse under a severity which they deserv'd; not to acquaint them, or to make them judges either of the just mans right and privilege, or of the afflicted mans necessity. And if wee may have leave to conjecture, there is a likelihood offer'd us by *Terullian* in his 4. against *Marcion*, whereby it may seeme very probable that the Pharises had a private drift of malice against our Saviours life in proposing this question,

on; and our Saviour had a peculiar aim in the rigor of his answer, both to let them know the freedome of his spirit, and the sharpenesse of his discerning. *This I must now shew, saith Tertullian, Whence our Lord deduc'd this sentence, and which way he directed it, whereby it will more fully appeare that he intended not to dissolve Moses.* And there upon tells us that the vehemence of this our Saviours speech was chiefly darted against *Herod* and *Herodias*. The story is out of *Iosephus*: *Herod* had beene a long time married to the daughter of *Aretas* King of *Petra*, til hapning on his journey towards *Rome* to be entertain'd at his brother *Philips* house, he cast his eye unlawfully and unguetlike upon *Herodias* there, the wife of *Philip*, but daughter to *Aristobulus* their common brother, and durst make words of marrying her his Neece from his brothers bed. She assented upon agreement he should expell his former wife. All was accomplisht, and by the *Baptist* rebuk't with the losse of his head. Though doubtlesse that it did not the various discourses of men upon the fact, which while the *Herodian* flatterers, and not a few perhaps among the Pharises endeavour'd to defend by wresting the law, it might be a meanes to bring the question of divorce into a hot agitation among the people, how farre *Moses* gave allowance. The Pharises therefore knowing our Saviour to be a friend of *Iohn the Baptist*, and no doubt but having heard much of his Sermon in the Moun't, wherein he spake rigidly against the licence of divorce, they put him this question both in hope to find him a contradicter of *Moses*, and a condemner of *Herod*; so to insnare him within compasse of the same accusation which had ended his friend; and our Saviour so orders his answer, as that they might perceive *Herod* and his Adultresse only not nam'd; so lively it concern'd them both what he spake. No wonder then if the sentence of our Saviour sounded stricter then his custome was; which his conscions attempters doubtlesse apprehended sooner then his other auditors. Thus much we gaine from hence to informe us, that what *Christ* intends to speake here of divorce, will be rather the forbidding of of what we may not doe herein passionately and abusively, as *Herod* and *Herodias* did, then the discussing of what herein we may doe reasonably and necessarily.

[*Is it lawfull for a man to put away his wife*] It might be render'd more exactly from the Greeke, *to loosen or to set free*; which though it seeme to have a milder signification then the two Hebrew words commonly us'd for divorce, yet Interpreters have noted, that the Greeke also is read in the *Septuagint*, for an act which is not without constraint. As when *Christ*

chibb drove from his preſence *David* counterſeiting madneſſe. *Pſal.* 34. the Greeke word is the ſame with this here, to put away. And *Eraſmus* quotes *Hitory* rendering it by an expreſſion, not ſo ſoft. Whence may be doubted, whether the Pharifeſ did not ſtate this queſtion in the ſtrict right of the man, not tarrying for the wives conſent. And if our Saviour answer directly according to what was aſkt in the tearm of putting away, it may be queſtionable, whether the rigor of his ſentence did not forbid only ſuch putting away as is without mutuall conſent, in a violent and and harſh manner, or without any reaſon, but will, as the *Tetrarch* did. Which might be the cauſe that thoſe Chriſtian Emperours fear'd not in their conſtitutions to diſſolve mariage by mutuall conſent; In that our Saviour ſeemes here, as the caſe is moſt likely, not to condemne all divorce but all injury and violence in divorce. But no injury can be done to them who ſeek it, as the *Ethics* of *Ariſtotele* ſufficiently prove. True it is, that an unjuſt thing may be done to one though willing, and ſo may juſtly be forbid'n: But divorce being in it ſelfe no unjuſt or evill thing, but only as it is joyn'd with injury, or luſt, injury it cannot be at law, if conſent be, and *Ariſtotele* erre not. And luſt it may as frequently not be, while charity hath the judging of ſo many private greivances in a miſfortun'd Wedlock, which may pard'nably ſeek a redemption. But whether it be or not, the law cannot diſcerne, or examine luſt, ſo long as it walkes from one lawfull terme to another, from divorce to marriage both in themſelves indifferent. For if the law cannot take hold to puniſh many actions apparently covetous, ambitious, ingratefull, proud, how can it forbid and puniſh that for luſt, which is but only ſurmisd ſo, and can no more be certainly prov'd in the divorcing now, then before in the marrying. Whence if divorce be no unjuſt thing, but through luſt, a cauſe not diſcernable by law, as law is wont to diſcerne in other caſes, and can be no injury where conſent is, there can be nothing in the equity of law, why divorce by conſent may not be lawfull: leaving ſecrecies to conſcience, the thing which our Saviour here aimes to rectifie, not to revoke the ſtatutes of *Mofes*. In the meane while the word *To put away*, being in the Greeke, to looſen or diſolve, utterly takes away that vaine papifticall diſtinction of divorce from bed, and divorce from bond, evincing plainly that both Chriſt and the Pharifeſ meane here that divorce which finally diſſolves the bond and frees both parties to a ſecond marriage.

[*For every cauſe.*] This the Pharifeſ held, that for every cauſe they might divorce, for every accidentall cauſe, any quarrell or difference that

that might happ'n. So both *Josephus* and *Philo*, men who liv'd in the same age, explain; and the *Syriac* translater, whose antiquity is thought parallel to the *Evangelists* themselves, reads it conformably upon any occasion or pretence. Divines also generally agree that thus the Pharisees meant. *Cameron* a late writer much applauded, commenting this place not undiligently, affirms that the Greeke preposition *καὶ* translated unusually (For) hath a force in it implying the suddenesse of those Pharisaic divorces; and that their question was to this effect, whether for any cause, whatever it chanc'd to be, straight as it rose, the divorce might be lawfull. This he freely gives what ever moud' him, and I as freely take, nor can deny his observation to be acute & learned. If therefore we insist upon the word of putting away, that it imports a constraint without consent, as might be insisted, and may enjoy what *Cameron* bestowes on us, that for every cause is to be understood, according as any cause may happen, with a relation to the speedinesse of those divorces and that *Herodian* act especially, as is already brought us, the sentence of our Saviour wil appeare nothing so strict a prohibition as hath beene long conceiv'd, forbidding only to divorce for casuall & temporary causes, that may be soon ended, or soone remedied; & likewise forbidding to divorce rashly, & on the sudden heate, except it be for adultery. If these qualifications may be admitted, as partly we offer them, partly are offer'd them by some of their own opinion, and that where nothing is repugnant why they should not bee admitted, nothing can wrest them from us, the severe sentence of our Saviour will straight unbend the seeming frowne into that gentlenesse and compassion which was so abundant in all his actions, his office and his doctrine, from all which otherwise it stands off at no meane distance.

Verf. 4. And he answered and said unto them, have ye not read that he which made them at the beginning, made them Male and Female?

Verf. 5. And said, for this cause shall a man leave Father and Mother, and shall cleave to his Wife, and they twaine shall be one flesh?

Verf. 6. Wherefore they are no more twaine but one flesh, what therefore God hath joyned together, let no man put asunder.

[4. and 5. Made them Male and Female, And said for this cause, &c.] We see it here undeniably, that the law which our Saviour cites to prove that divorce was forbid'n, is not an absolute and tyrannicall command without reason, as now adaies wee make it little better, but is grounded

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upon some rationall cause not difficult to be apprehended, being in a matter which equally concerns the meanest and the plainest sort of persons in a household life. Our next way then will be to inquire if there bee not more reasons then one, and if there be, whether this be the best and cheifest. That we shall finde by turning to the first institution, to which Christ refers our owne reading; He himselfe having to deale with treacherous assailants, useth brevity, and lighting on the first place in *Genesis* that mentions any thing tending to Marriage in the first chapter, joynes it immediately to the 24. verse of the 2 chapter, omitting all the prime words between, which create the institution, and containe the noblest and purest ends of Matrimony, without which attain'd, that conjunction hath nothing in it above what is common to us with beasts. So likewise beneath in this very chapter, to the young man who came not tempting him, but to learne of him, asking him which commandments hee should keepe, he neither repeates the first table, nor all the second, nor that in order which he repeates. If heere then being tempted, hee desire to bee the shorter, and the darker in his conference, and omitt to cite that from the second of *Genesis*, which all Divines confesse is a commentary to what he cites out of the first, the *making them Male and Female*; what are we to doe, but to search the institution our selves; and we shall finde there his owne authority giving other manner of reasons why such firme union is to bee in matrimony, without which reasons their being male and female can be no cause of joyning them unieparably: for if it be, then no Adultery can sever. Therefore the prohibition of divorce depends not upon this reason heere exprest to the Pharises, but upon the plainer & more eminent causes omitted heere and referr'd to the institution; which causes not being found in a particular and casuall Matrimony, this sensitive and materious cause alone can no more hinder a divorce against those higher and more human reasons urging it, then it can alone without them to warrant a copulation, but leaves it arbitrary to those who in their chance of marriage finde not why divorce is forbidd them, but why it is permitted them; and finde both here and in *Genesis*, that the forbidding is not absolute, but according to the reasons there taught us, not here. And that our Saviour taught them no better, but uses the most vulgar, most animal and corporal argument to convince them, is first to shew us, that as through their licentious divorces they made no more of marriage then as if to marry, were no more then to be male and female, so hee goes no higher in his confutation; deeming them unworthy to be talkt with in a higher

higher straine, but to bee ty'd in marriage by the meeere material cause thereof, since their owne licence testify'd that nothing matrimonial was in their thought but to be male and female. Next it might be don to discover the brute ignorance of these carnall Doctors, who taking on them to dispute of marriage and divorce, were put to silence with such a slender opposition as this, and outed from their hold with scarce one quarter of an argument. That we may beleewe this, his entertainment of the young man soon after may perswade us. Whom, though he came to preach eternall life by faith only, he dismisses with a salvation taught him by works only. On which place *Paraus* notes, *That this man was to be convinc'd by a false perswasion; and that Christ is wont otherwise to answer hypocrites, otherwise those that are docible.* Much rather then may we thinke that in handling these tempters, he forgot not so to frame his prudent ambiguities and concealments, as was to the troubling of those peremptory disputants most wholesome. When therefore we would know what right there may be, in ill accidents, to divorce, we must repaire thither where God professes to teach his servants by the prime institution, and not where we see him intending to dazle sophisters: Wee must not reade *hee made them Male and Female*, &c not understand he made them more intendedly *a meeer helpe* to remove the evill of being alone. We must take both these together, and then we may inferre compleatly as from the whole cause why a man shall cleave to his wife, and they twaine shall be one flesh: but if the full and cheife cause why we may not divorce, be wanting here, this place may skirmish with the rabbies while it will, but to the true christian it prohibits nothing beyond the full reason of it's own prohibiting, which is best knowne by the institution.

Verf. 6. [*Wherefore they are no more twaine, but one flesh.*] This is true in the generall right of marriage, but not in the chance medley of every particular match. For if they who were once undoubtedly one flesh, yet become twain by adultery, then sure they who were never one flesh rightly, never helps meeete for each other according to the plain prescript of God, may with lesse adoe then a volume be concluded still twaine. And so long as we account a Magistrate no Magistrate, if there be but a flaw in his election, why should we not much rather count a Matrimony no Matrimony, if it cannot be in any reasonable manner according to the words of Gods institution.

[*What therefore God hath joyned, let no man put asunder.*] But heere the christian prudence lies to consider what God hath joyn'd; shall wee say that

that God hath joyn'd error, fraud, unfitnesse, wrath, contention, perpetual lonelintesse, perpetuall discord; what ever lust, or wine, or witchery, threate, or incitement, avarice or ambition hath joyn'd together, faithfull with unfaithfull, christian with antichristian, hate with hate, or hate with love, shall we say this is Gods joyning?

[*Let not man put a sunder.*] That is to say, what God hath joyn'd; for if it be, as how oft we see it may be, not of Gods joyning, and his law tells us he joyne not unmachable things but hates to joyne them, as an abominable confusion, then the divine law of *Moses* puts them asunder, his owne divine will in the institution puts them asunder, as oft as the reasons be not extant, for which only God ordain'd their joyning. Man only puts asunder when his inordinate desires, his passion, his violence, his injury makes the breach: not when the utter want of that which lawfully was the end of his joyning, when wrongs and extremities, and unsupportable greivances compell him to disjoyne: when such as *Herod* & the pharises divorce beside law, or against law, then only man separates, and to such only this prohibition belongs. In a word, if it be unlawful for man to put asunder that which God hath joyn'd, let man take heede it be not detestable to joyne that by compulsion which God hath put asunder.

Verf. 7. *They say unto him, why did Moses then command to give a writing of divorcement, and to put her away?*

Verf. 8. *He saith unto them, Moses because of the hardnesse of your hearts, suffered you to put away your Wives, but from the beginning it was not so.*

[*Moses because of the hardnesse of your hearts suffered you.*] Hence the divinity now current argues that this judiciall *Moses* is abolisht. But suppose it were so, though it hath bin prov'd otherwise, the firmnesse of such right to divorce as here pleads, is fetcht from the prime institution, does not stand or fall with the judicial Jew, but is as morall as what is morallest. Yet as I have shewn positively that this law cannot bee abrogated, both by the words of our Saviour pronouncing the contrary, and by that unabolishable equity which it conveys to us, so I shall now bring to view those appearances of strength which are levied from this text to maintaine the most grosse and massy paradox that ever did violence to reason and religion, bred onely under the shadow of these words, to all other piety or philosophy strange and insolent, that God by act of law drew

drew out a line of adultery almost two thousand yeares long: although to detect the prodigy of this surmise, the former booke set forth on this argument hath already beene copious. I shall not repeate much though I might borrow of mine own, but shall endeavour to adde something either yet untoucht, or not largely enough explain'd First it shal be manifest that the common exposition cannot possibly consist with christian doctrine: next a truer meaning of this our Saviours reply shall be left in the roome. The receiv'd exposition is, that God though not approving did enact a law to permit adultery by divorcement simply unlawfull. And this conceit they feede with fond supposals that have not the least footing in Scripture. As that the Jews learnt this custome of divorce in *Egypt*, and therefore God would not unteach it them till Christ came, but let it stick as a notorious botch of deformity in the midst of his most perfect and severe law. And yet he saith, *Levit. the 18th after the doings of Egypt ye shall not do.* Another while they invent a slander (as what thing more bold then teaching Ignorance when he shifts to hide his nakednes) that the Jews were naturally to their wives the cruellest men in the world; would poison, braine, and doe I know not what, if they might not divorce. Certain, if it were a fault heavily punisht, to bring an evill report upon the land which God gave, what is it to raise a groundles calumny against the people which God made choise of? But that this bold interpretament, how commonly so ever sided with, cannot stand a minute with any competent reverence to God or his law, or his people, nor with any other maxim of religion, or good manners, might bee prov'd through all the heads and Topics of argumentation: but I shall willingly bee as concise as possible. First the law, not onely the moral, but the judicial given by *Moses* is just and pure; for such is God who gave it. *Harken O Israel, saith Moses, Dent. 4. unto the statutes and the judgements which I teach you, to doe them, that ye may live, &c. ye shall not adde unto the word which I command you, neither shall ye diminish ought from it, that ye may keepe the commandments of the Lord your God which I command you.* And onward in the chapter, *Behold I have taught you statutes and judgements, even as the Lord my God commanded me. Keepe therefore and doe them, for this is your wisdom and your understanding. For what nation hath God so nigh unto them, and what nation hath statutes and judgements so righteous as all this law which I set before ye this day.* Is it imaginable there should bee among these a law which God allow'd not, a law giving permissions laxative to unmarry a wife and marry a lust, a law to suffer a kind of *tribunall* adultery? Many other

other scriptures might be brought to assert the purity of this judicial law, and many I have alleg'd before; this law therefore is pure and just. But if it permit, if it teach, if it defend that which is both unjust and impure, as by the common doctrine it doth, what thinke we? The three generall doctrines of *Iustinians* law, are *To live in honesty, To hurt no man, To give every one his due*. Shall the *Roman civil* law observe these three things, as the onely end of law, and shall a statute be found in the civil law of God, enacted simply and totally against all these three precepts of nature and morality?

Secondly, the gifts of God are all perfect, and certainly the law is of all his other gifts one of the perfectest. But if it give that outwardly which it takes away really, & give that seemingly, which, if a man take it, wraps him into sinne and damns him, what gift of an enemy can be more dangerous and destroying then this.

Thirdly, *Moses* every where commends his lawes, prefers them before all of other nations, and warrants them to be the way of life and safety to all that walke therein, *Levit. 18*. But if they containe statutes which God approves not, and traine men unwitting to committ injustice and adultery, under the shelter of law, if those things bee sin, and death sins wages, what is this law but the snare of death?

Fourthly, the statutes and judgements of the Lord, which without exception are often told us to be such, as doing wee may live by them, are doubtles to be counted the rule of knowledge and of conscience. *For I had not known lust*, saith the Apostle, *but by the law*. But if the law come downe from the state of her incorruptible majesty to grant lust his boom, palpably it darkens and confounds both knowledge and conscience; it goes against the common office of all goodnes and freindlinesse, wick is at left to counsel and admonish; it subverts the rules of all sober education; and is it selfe a most negligent and debaushing tutor.

Fifthly, if the law permit a thing unlawfull, it permits that which else wheret hath forbid; so that hereby it contradicts it selfe, and transgresses it selfe. But if the law become a transgressor, it stands guilty to it selfe, and how then shall it save another; it makes a confederacy with sin, how then can it justly condemne a sinner? and thus reducing it selfe to the state of neither saving nor condemning, it will not faile to exprobre solemnely ridiculous.

Sixtly, the Prophets in Scripture declare severely against the decreeing of that which is unjust, *Psal. 94. 20. Isaiah the 20^m*. But it was done, they say,

say, for hardnesse of heart; To which objection the Apostles rule, *not to doe evil that good may come thereby*, gives an invincible repulse; and here especially, where it cannot be shewn how any good came by doing this evil, how rather more evil did not hereon abound; for the giving way to hardnesse of heart hard'ns the more, and adds more to the number. God to an evil and adulterous generation would not *grant a signe*; much lesse would he for their hardnesse of heart pollute his law with an adulterous permission. Yea but to permit evil is not to doe evil. Yes, it is in a most eminent manner to doe evil: where else are all our grave and faithfull sayings, that he whose office is to forbid and forbids not, bids, exhorts, encourages. Why hath God denounc'd his anger against parents, maisters, freinds, magistrates neglectfull of forbidding what they ought, if law the common father, maister, friend, and perpetuall magistrate shall not onely not forbid, but enact, exhibit, and uphold with countenance and protection a deede every way dishonest, what ever the pretence be. If it were of those inward vices, which the law cannot by outward contrainte remedy, but leaves to conscience and perswasion, it had bin guiltlesse in being silent: but to write a decree of that which can be no way lawfull and might with ease be hinder'd, makes law by the doome of law it selfe accessory in the highest degree.

Seventhly, it makes God the direct author of sin, For although he bee not made the authour of what he silently permits in his providence, yet in his law, the image of his will, when in plaine expression he constitutes and ordaines a fact utterly unlawfull, what wants hee to authorize it, and what wants that to be the author?

Eighthly, to establish by law a thing wholly unlawfull and dishonest, is an affirmation was never heard of before in any law, reason, philosophy, or religion, till it was rais'd by inconsideratglossits, from the mistake of this text. And though the Civilians have bin contented to chew this opinion, after the canon had subdu'd them, yet they never could bring example or authority either from divine writt, or human learning, or human practice in any nation, or well-form'd republick, but only from the customary abuse of this text. Usually they allege the Epistle of *Cicero* to *Atticus*; wherein *Cato* is blam'd for giving sentence to the scumme of *Romulus*, as if he were in *Plato's* common wealth. *Cato* would have call'd some great one into judgemēt for bribery, *Cicero* as the time stood, advis'd against it. *Cato*, not to endamage the public treasury, would not grant to the Roman Knights, that the *Asian* taxes might bee farm'd them at a lesse

lesse rate. *Cicero* wisht it granted. Nothing in all this will bee like the establishing of a law to sinne : here are no lawes made, here onely the execution of law is crav'd might be suspended : between which and our question is a broad difference. And what if human law givers have confessed they could not frame their lawes to that perfection which they desired, we heare of no such confession from *Moses* concerning the lawes of God, but rather all praise and high testimony of perfection given them. And although mans nature cannot beare exactest lawes ; yet still within the confines of good it may and must ; so long as lesse good is far enough from altogether evil. As for what they instance of usury , let them first prove usury to be wholly unlawfull, as the law allowes it ; which learned men as numerous on the other side will deny them. Or if it be altogether unlawfull, why is it tolerated more then divorce ? he who said divorce not, said also *lend hoping for nothing againe*, Luk. 6. 35. But then they put in, that trade could not stand. And so to serve the commodity of insatiable trading, usury shall be permitted, but divorce, the onely meanes oft times to right the innocent, & outrageously wrong'd, shall be utterly forbid. This is egregious doctrine, and for which one day charity will much thanke them. *Beza* not finding how to salve this perplexity, and *Cameron* since him, would secure us ; although the latter confesses that *to permit a wicked thing by law, is a wickednesse from which God abhors ; yet to limit sin, and prescribe it a certaine measure, is good*. First this evasion will not helpe heere ; for this law bounded no man ; he might put away whatever found not favour in his eyes. And how could it forbid to divorce, whom it could not forbid to dislike, or command to love. If these be the limits of law to restraine sinne, who so lame a sinner but may hoppe over them more easily then over those *Romulean* circumscriptions, not as *Remus* did with hard succes, but with all indemnity. Such a limiting as this were not worth the mischeif that accompanies it. This law therefore not bounding the supposed sinne, by permitting enlarges it, gives it enfranchisement. And never greater confusion, then when law and sin move their land markes, mixe their territories, and correspond, have intercourse and traffic together. When law contracts a kindred and hospitality with transgression, becomes the godfather of sinne and names it Lawfull ; when sin revels and gossips within the arcenal of law, plaies, and dandles the artillery of justice that should be bent against her, this is a faire limitation indeede. Besides it is an absurdity to say that law can measure sin, or moderate sin ; sin is not in a predicament to be measur'd and

and modify'd, but is alwaies an excessse. The least sinne that is, exceeds the measure of the largest law that can bee good; and is as boundlesse as that vacuity beyond the world. If once it square to the measure of Law, it ceases to be an excessse, and consequently ceases to be a sinne; or else law conforming it selfe to the obliquity of sin, betraies it selfe to be not strait, but crooked, and so immediatly no law. And the improper conceit of moderating sin by law will appeare, if wee can imagin any lawgiver so senselesse as to decree that so farre a man may steale, and thus farre bee drunk, that moderately he may cozen, and moderatly committ adultery. To the same extent it would be as pithily absurd to publish that a man may moderately divorce, if to doe that be intirely naught. But to end this moot, the law of *Moses* is manifest to fixe no limit therein at all, or such at least as impeaches the fraudulent abuser no more then if it were not set; only requires the dismissive writing without other caution, leaves that to the inner man, and the barre of conscience. But it stopp other sins. This is as vaine as the rest, and dangerously uncertain: the contrary to be fear'd rather, that one sin admitted courteously by law, open'd the gate to another. However evil must not be don for good. And it were a fall to be lamented, an indignity unspeakable, if law should becom tributary to sin her slave, and forc't to yeld up into his hands her awfull minister Punishment, should buy out her peace with sinne for sinne, paying as it were her so many *Philistian* foreskins to the proud demand of Transgression. But suppose it any way possible to limit sinne, to put a girdle about that *Chaos*, suppose it also good; yet if to permitt sin by Law bee an abomination in the eyes of God, as *Cameron* acknowledges, the evil of permitting will eate out the good of limiting. For though sin be not limited, there can but evil come out of evil; but if it be permitted & decreed lawfull by divine law, of force then sin must proceed from the infinit Good which is a dreadful thought. But if the restraining of sinne by this permission beeing good, as this author testifies, be more good then the permission of more sin by the restraint of divorce, and that God waighing both these like two ingots in the perfect scales of his justice and providence found them so, and others coming without authority from God, shall change this counterpoise, and judge it better to let sin multiply by setting a judicial restraint upon divorce, which Christ never set, then to limit sin by this permission, as God himselfe thought best to permitt it, it will behoove them to consult betimes whether these their balances be not false and abominable; and this their limiting that which God loosen'd, and their loosning the sinnes that he limited, which they

confeſſe was good to doe: and were it poſſible to doe by law, doubtleſſe it would be moſt morally good; and they ſo beleeveng, as we heare they doe, and yet abolishing a law ſo good and moral, the limiter of ſin, what are they elſe but contrary to themſelves? for they can never bring us to that time wherein it will not be good to limit ſinne, and they can never limit it better then ſo as God preſcrib'd in his law.

Others conceay it a more deſenſible retirement to ſay this permiſſion to divorce ſinfully for hardneſſe of heart was a diſpenſation. But ſurely they either know not, or attend not what a diſpenſation meanes. A diſpenſation is for no long time, is particular to ſom perſons rather then generall to a whole people; alwaies hath charity the end, is granted to neceſſities and infirmities, not to obſtinat luſt. This permiſſion is another creatnre, hath all thoſe evils and abſurdities following the name of a diſpenſation, as when it was nam'd a law; and is the very *antarctic pole* againſt charity, nothing more adverbs, enſnaring and ruining thoſe that truſt in it, or uſe it; ſo leud and criminous as never durſt enter into the head of any Politician, Jew, or Proſelyte, till they became the apt Scholars of this canonistic expoſition. Ought in it, that can allude in the left manner to charity, or goodnes, belongs with more full right to the chriſtian under grace and liberty, then to the Jew under law and bondage. To Jewiſh ignorance it could not be diſpenc'd, without a horrid imputation laid upon the law, to diſpence foully, in ſtead of teaching fairly; like that diſpenſation that firſt polluted Chriſtendom with Idolatry, permitting to lay men images in ſtead of bookes and preaching. Sloth or malice in the law would they have this call'd? But what ignorance can be pretended for the Jewes, who had all the ſame precepts about marriage, that we now: for Chriſt refers all to the institution. It was as reaſonable for them to know then as for us now, and concern'd them alike: for wherein hath the goſpel alter'd the nature of matrimony? All theſe conſiderations, or many of them have bin further amplify'd in the *doctrin of divorce*. And what *Rivetus* and *Paræus* hath objected, or giv'n over as paſt cure hath bin there diſcuſt. Whereby it may be plain enough to men of eyes, that the vulgar expoſition of a permittance by law to an entire ſin, what ever the colour may be, is an opinion both ungodly, unpolitic, unvertuous, and void of all honeſty & civil ſenſe. It appertaines therefore to every zealous Chriſtian both for the honour of Gods law, & the vindication of our Saviours words, that ſuch an irreligious depravement no longer may be ſooth'd and flatter'd through cuſtome, but with all diligence and ſpeed ſolidly reſuted, and in the room a better explanation giv'n; which is now our next endeavour.

Moses

[*Moses suffer'd you to put away, &c.*] Not commanded you, saies the common observer, and therefore car'd not how soon it were abolisht, being but suffer'd; heerin declaring his annotation to be slight & nothing law prudent. For in this place *commanded* and *suffer'd* are interchangeably us'd in the same sense both by our Saviour and the Pharisees. Our Saviour who heer saith, *Moses suffer'd you*, in the 10th of *Marke* saith, *Moses wrote you this command*. And the Pharisees who heer say, *Moses commanded*, and would mainly have it a command, in that place of *Marke* say *Moses suffer'd*, which had made against them in their owne mouthes, if the word of *suffering* had weakn'd the command. So that *suffer'd* and *commanded* is heer taken for the same thing on both sides of the controversy: as *Cameron* also and others on this place acknowledge. And Lawyers know that all the precepts of law are devided into obligatorie and permissive, containing either what we must doe, or what wee may doe; and of this latter sort are as many precepts, as of the former, and all as lawfull. Tutelage, an ordainment then which nothing more just, being for the defence of Orfanes, the *Institutes* of *Justinian*, say *is given and permitted by the civil law*: and to parents *it is permitted to choose and appoint by will the guardians of their children*. What more equall, and yet the civil law calls this *permission*. So likewise to *manumise*, to adopt, to make a will, and to be made an heire is call'd *permission* by law. Marriage it selfe, and this which is already granted, to divorce for adultery, oblige no man, is but a permission by law, is but suffer'd. By this we may see how weakly it hath bin thought that all divorce is utterly unlawfull, because the law is said to suffer it: whenas to *suffer* is but the legall phrase denoting what by law a man may doe or not doe.

[*Because of the hardnesse of your hearts*] Hence they argue that therefore he allow'd it not; and therefore it must be abolisht. But the contrary to this will sooner follow, that because he suffer'd it for a cause, therefore in relation to that cause he allow'd it. Next, if he in his wisdom, and in the midst of his severity allow'd it for hardnesse of heart, it can be nothing better then arrogance and presumption to take stricter courses against hardnes of heart then God ever set an example, and that under the Gospel which warrants them to no judicial act of compulsion in this matter, much lesse to be more severe against hardnes of extremity, then God thought good to bee against hardnes of heart. He suffer'd it, rather then worse inconveniences; these men wiser as they make themselves, will suffer the worst and hainourest inconveniences to follow, rather then they

they will suffer what God suffer'd. Although they can know when they please, that Christ spake only to the conscience, did not judge on the civil bench, but alwaies disavow'd it. What can be more contrary to the waies of God then these their doings. If they bee such enemies to hardnes of heart, although this groundlesse rigor proclaims it to be in themselves, they may yet learne, or consider that hardnesse of heart hath a twofould acception in the Gospel. One, when it is in a good man taken for infirmity, and imperfection, which was in all the Apostles, whose weaknesse only, not utter want of beleef is call'd hardnes of heart, *Marke 16.* partly for this hardnesse of heart, the imperfection and decay of man from original righteousness, it was that God suffer'd not divorce onely, but all that which by Civilians is term'd the *secondary law of nature and of nations.* He suffer'd his owne people to waite and spoyle and slay by warre, to lead captives, to be som maisters, som servants, som to be princes, others to be subjects, hee suffer'd propriety to divide all things by severall possession trade and commerce, not with out usury; in his comon wealth some to bee undeservedly rich, others to bee undeservingly poore. All which till hardnesse of heart came in, was most unjust; whenas prime Nature made us all equall, made us equall coheirs by common right and dominion over all creatures. In the same manner, and for the same cause hee suffer'd divorce as well as mariage, our imperfect and degenerat condition of necessity requiring this law among the rest, as a remedy against intolerable wrong and servitude above the patience of man to beare. Nor was it giv'n only because our infirmity, or if it must be so call'd, hardnesse of heart could not endure all things, but because the hardnes of anothers heart might not inflict all things upon an innocent person, whom far other ends brought into a league of love and not of bondage and indignity. If therefore we abolish divorce as only suffer'd for hardnes of heart, we may as well abolish the whole law of nations, as only suffer'd for the same cause; it being shewn us by Saint *Paul 1 Cor. 6.* that the very seeking of a mans right by law, and at the hands of a worldly magistrat, is not without the hardnesse of our hearts. *For why doe ye not rather take wrong, saith he, why suffer ye not rather your selves to be defrauded?* If nothing now must be suffer'd for hardnes of heart, I say the very prosecution of our right by way of civil justice can no more bee suffer'd among Christians, for the hardnes of heart wherewith most men pursue it. And that would next remove all our judiciall lawes, and this restraint of divorce also in the number; which would more then halfe

end the controversy. But if it be plaine that the whole juridical law and civil power is only suffer'd under the Gospel, for the hardnes of our hearts, then wherefore should not that which *Moses* suffer'd, be suffer'd still by the same reason?

In a second signification hardnes of heart is tak'n for a stubborne resolution to doe evil. And that God ever makes any law purposely to such, I deny; for he voutsafes not to enter covenant with them, but as they fortune to be mixt with good men, and passe undiscover'd; much lesse that he should decree an unlawfull thing only to serve their licentiousnes. But that God *suffers* this reprobate hardnes of heart I affirm, not only in this law of divorce, but throughout all his best and purest commandments. He commands all to worship in singlenes of heart according to all his Ordinances; and yet suffers the wicked man to performe all the rites of religion hypocritically and in the hardnes of his heart. He gives us generall statutes & privileges in all civil matters, just & good of themselves, yet suffers unworthiest men, to use them & by them, to prosecute their own right, or any colour of right, though for the most part maliciously, covetously, rigorously, revengefully. He allow'd by law the discreet father and husband to forbidd, if he thought fit, the religious vows of his wife or daughter: *Num.* 30. and in the same law suffer'd the hardheartednes of impious and covetous fathers or husbands abusing this law to forbidd their wives or daughters in their offrings and devotions of greatest zeal. If then God suffer hardnes of heart equally in the best laws as in this of divorce, there can be no reason that for this cause this law should be abolisht. But other lawes, they object, may be well us'd, this never. How often shall I answer both from the institution of marriage, and from other general rules in Scripture, that this law of divorce hath many wise and charitable ends besides the being suffer'd for hardnes of heart; which is indeed no end, but an accident happning through the whole law; which gives to good men right, and to bad men who abuse right under false pretences, gives only sufferance. Now although Christ express no other reason here, but only what was suffer'd, it nothing followes that this law had no other reason to be permitted but for hardnes of heart. The Scripture seldome, or never in one place sets down all the reasons of what it grants or commands, especially when it talks to enemies and tempters. *St Paul* permitting marriage, *1 Cor.* 7, seems to permit even that also for hardnes of heart only, lest we should run into fornication; yet no intelligent man thence concludes marriage allow'd in the Gospel

only to avoid an evil, because no other end is there exprest. Thus *Moses* of necessity suffer'd many to put away their wives for hardnesse of hearts, but enacted the law of divorce doubles for other good causes, not for this only sufferance. He permitted not divorce by law as an evil, for that was impossible to divine law, but permitted by accident the evil of them who divorc'd against the lawes intention undiscoverably. This also may be thought not improbably, that Christ stirr'd up in his spirit against these tempting Pharises, answer'd them in a certain forme of indignation usual among good authors; wherby the question, or the truth is not directly answer'd, but som thing which is fitter for them, who aske, to heare. So in the ecclesiastical stories one demanding how God imploy'd himself before the world was made, had answer, that he was making hel for curious questioners. Another (and *Libanius* the *Sophist* as I remember) asking in derision som Christian, what the Carpenter, meaning our Saviour, was doing, now that *Julian* so prevail'd, had it return'd him, that the Carpenter was making a coffin for the *Apostat*. So Christ being demanded maliciously why *Moses* made the law of divorce, answers them in a vehement scheme, not telling them the cause why he made it, but what was fittest to be told them, that for the hardnes of their hearts he suffer'd them to abuse it. And allbeit *Mark* say not he suffer'd you, but to you he wrote this precept; *Mark* may be warrantably expounded by *Mathew* the larger. And whether he suffer'd, or gave precept, being all one as was heard, it changes not the trope of indignation, fittest account for such askers. Next for the hardnes of your hearts to you he wrote this precept, inferrs not therefore for this cause only he wrote it, as was parallell'd by other Scriptures. Lastly, It may be worth the observing, that Christ speaking to the Pharises does not say in general that for hardnes of heart he gave this precept, but you he suffer'd, & to you he gave this precept for your hardnes of heart. It cannot be easily thought that Christ heer included all the children of Israel under the person of these tempting Pharises but that he conceals wherefore he gave the better sort of them this law, and expresses by saying emphatically To you how he gave it to the worser, such as the Pharises best represented, that is to say for the hardnes of your hearts: as indeed to wicked men and hardn'd hearts he gives the whole law and the Gospel also, to hard'n them the more. Thus many waies it may orthodoxally be understood how God or *Moses* suffer'd such as the demanders were, to divorce for hardnes of heart. Whereas the vulgar expositer beset with contradictions and absurdities round, and resolving at any peril to make an exposition of it, as

there is nothing more violent and boistrous then a reverend ignorance in fear to be convicted, rushes brutally and impetuously against all the principles both of nature, piety, and moral goodnes ; and in the fury of his literal expounding overturns them all.

[*But from the the beginning it was not so.*] Not how from the beginning doe they suppose, that men might not divorce at all, not necessarily, not deliberately except for adultery, but that som law, like canon law presently attacht them both before and after the flood, till stricter *Moses* came, and with law brought licence into the world ? that were a fancy indeed to smile at. Undoubtedly as to point of judiciall law, divorce was more permissive from the beginning before *Moses* then under *Moses*. But from the beginning, that is to say, by the institution in Paradise it was not intended that matrimony should dissolve for every trivial cause as you Pharises accustom. But that it was not thus suffer'd from the beginning ever since the race of men corrupted, & laws were made, he who will affirme, must have found out other antiquities then are yer known. Besides we must consider now, what can be so as from the beginning, not only what should be so. In the beginning, had men continu'd perfect, it had bin just that all things should have remain'd, as they began to *Adam & Eve*. But after that the sons of men grew violent & injurious, it alter'd the lore of justice, and put the government of things into a new frame. While man and woman were both perfect each to other, there needed no divorce ; but when they both degenerated to imperfection, & oft times grew to be an intolerable evil each to other, then law more justly did permitt the alienating of that evil which mistake made proper, then it did the appropriating of that good which Nature at first made common. For if the absence of outward good be not so bad as the presence of a close evil, & that propriety, whether by covenant or possession, be but the attainment of some outward good, it is more natural & righteous that the law should sever us from an intimat evil, then appropriate any outward good to us from the community of nature. The Gospel indeed tending ever to that which is perfectest, aim'd at the restorment of all things, as they were in the beginning. And therefore all things were in common to those primitive Christians in the Acts, which *Ananias & Sapphira* dearly felt. That custome also continu'd more or less till the time of *Justin Martyr*, as may be read in his 2^d *Apolo-gy*, which might be writt after that act of communion perhaps some 40. yeares above a hunder'd. But who will be the man shall introduce this kind of common wealth, as christianity now goes ? If then marriage must be

be as in the beginning, the persons that marry must be such as then were, the institution must make good, in some tolerable sort, what it promises to either party. If not, it is but madness to drag this one ordinance back to the beginning, and draw down all other to the present necessity, and condition farre from the beginning even to the tolerating of extortions and oppressions. Christ only told us that from the beginning it was not so; that is to say, not so as the Pharisees manur'd the business; did not command us that it should be forcibly so again in all points, as at the beginning; or so at least in our intentions and desires, but so in execution, as reason, and present nature can bear. Although we are not to seek, that the institution it selfe from the first beginning was never but conditional, as all covenants are: because thus and thus, therefore so and so; if not thus, then not so. Then moreover was perfectest to fulfill each law in it selfe; now is perfectest in this estate of things, to ask of charity how much law may be fulfill'd: els the fulfilling, oft times is the greatest breaking. If any therefore demand, which is now most perfection, to ease an extremity by divorce, or to enrage and fester it by the greivous observance of a miserable wedlock, I am not destitute to say which is most perfection (although some who beleev they thinke favourably of divorce, esteem it only venial to infirmity) Him I hold more in the way to perfection who forgoes an unfit ungodly & discordant wedlock, to live according to peace & love, & Gods institution in a fitter choice, then he who debarrs himself the happy experience of all godly, which is peaceful conversation in his family, to live a contentious, and unchristian life not to be avoided, in temptations not to be liv'd in, only for the fals keeping of a most unreal nullity, a marriage that hath no affinity with Gods intention, a daring phantasm, a meer toy of terror awing weak senses, to the lamentable superstitious of ruining themselves: the remedy wherof God in his law vouchsafes us. Which not to dare use, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity: and in them who force us, it is their masking pride and vanity, to seem holier & more circumspect then God. So far is it that we need impute to him infirmity, who thus divorces: since the rule of perfection is not so much that which was don in the beginning, as that which now is nearest to the rule of charity. This is the greatest, the perfectest, the highest commandment.

V. 9. *And I say unto you, who so shall put away his Wife, except it be for Fornication, and shall marry another, committeth adultery; and who so marieth her which is put away, doth commit adultery.* And

[*And I say unto you.*] That this restrictive denouncement of Christ contradicts and refutes that permissive precept of *Moses*, common expositors themselves disclaime : and that it does not traverse from the closet of conscience to the courts of civil or canon law, with any Christian rightly commended requires not long evincing. If Christ then did not heer check permissive *Moses*, nor did reduce matrimony to the beginning more then all other things, as the reason of mans condition could beare, we would know precisely what it was which he did, and what the end was of his declaring thus austere against divorce. For this is a confessed oracle in law, that he who looks not at the intention of a precept, the more superstitious he is of the letter, the more he misinterprets. Was it to shame *Moses*? that had beene monstrous : or all those purest ages of Israel, to whom the permission was granted ? that were as incredible. Or was it that he who came to abrogate the burden of law, not the equity, shou'd put this yoke upon a blamelesse person, to league himselfe in chaines with a begirting mischeif, not to separat till death ? hee who taught us that no man puts a peece of new cloth upon an old garment, nor new wine into old bottles, that he should sow this patch of strictnes upon the old apparel of our frailty, to make a rent more incurable, when as in all other amendments his doctrine still charges, that regard be had to the garment, and to the vessel, what it can endure ; this were an irregular and single peece of rigor, not onely sounding disproportion to the whole Gospel, but outstretching the most rigorous nerves of law and rigor it selfe. No other end therefore can bee left imaginable of this excessive restraint, but to bridle those erroneous and licentious postillers the Pharises ; not by telling them what may bee done in necessity, but what censure they deserve who divorce abusively, which their Tetrarch had done. And as the offence was in one extreme, so the rebuke, to bring more efficaciously to a rectitude and mediocrity, stands not in the middle way of duty, but in the other extreme. Which art of powerfull reclaiming, wisest men have also taught in their ethical precepts and *gnomologies* ; resembling it, as when wee bend a crooked wand the contrary way ; not that it should stand so bent, but that the overbending might reduce it to a straitnesse by its own reluctance. And as the Physician cures him who hath tak'n down poyson, not by the middling temper of nourishment, but by the other extreme of *maistre*, so Christ administers heer a sharpe & corrosive sentence against a foul and putrid licence ; not to eate into the flesh, but into the sore. And knowing that our divines through all their comments make

no scruple, where they please, to soften the high and vehement speeches of our Saviour, which they call *hyperbolies*, why in this one text should they be such crabbed *majorities* of the Letter, as not to mollifie a transcendence of literal rigidity, which they confesse to find often elsewhere in his manner of delivery, but must make their exposition heer such an obdurate *Cyclops*, to have but one eye for this text, and that onely open to cruelty and enthrallment, such as no divine, or human law before ever heard of. No, let the foppish canonist with his fardel of matrimonial cases goe and be vendible where men bee so unhappy as to cheap'n him; the words of Christ shall be asserted from such elementall notaries, and resolv'd by the now-only lawgiving mouth of charity; which may be done undoubtedly by understanding them as followes.

[*Whosoever shall put away his wife.*] That is to say, shall so put away as the propounders of this question, the Pharisees were wont to doe and covertly defended *Herod* for so doing; whom to rebuke, our Saviour heer mainly intends, and not to determine all the cases of divorce, as appears by Saint *Paul*. Whosoever shall put away, either violently without mutuall consent for urgent reasons, or conspiringly by plot of lust, or cunning malice, shall put away for any sudden mood, or contingency of disagreement, which is not daily practice, but may blow soone over, and be reconcil'd, except it bee fornication; whosoever shall put away rashly, as his choler prompts him, without due time of deliberating, and thinke his conscience discharg'd only by the bill of divorce giv'n, and the outward law satisf'd; whosoever lastly shall put away his wife, that is a wife indeede, & not in name only, such a one who both can and is willing to bee a meet helpe toward the cheif ends of mariage both civil, and sanctify'd, except fornication be the cause, that man, or that pair committ adultery. Not he who puts away by mutuall consent, with all the considerations and respects of humanity and gentlenesse without malicious or lustfull drift. Not he who after sober and coole experience, and long debate within himself puts away whom though he cannot love or suffer as a wife with that sincere affection that marriage requires, yet loves at least with that civility and goodnesse, as not to keepe her under a neglected and unwelcome residence, where nothing can be hearty, and not being, it must needs bee both unjoyous and injurious to any perceiving person so detain'd, and more injurious, then to be freely, and upon good termes dismiss. Nor doth hee put away adulterously who complains of causes rooted in immutable nature, utter unsuitnesse, utter disconformity, not concileable, because

cause not to be amended without a miracle. Nor hee who puts away an unquenchable vexation from his bosom, and flies an evil then which a greater cannot befall hum in society. Nor hee who puts away with the the full suffrage and applause of his conscience, not relying on the written bill of law, but claiming by faith and fulnes of perswasion the rights and promises of Gods institution, of which hee finds himselfe in a mistak'n wedlock defrauded. Doubtlesse this man hath baile enough to bee no adulterer giving divorce: for these causes.

[*His wife.*] This word is not to be idle here, a meere word without a sense, much lesse a fallacious word signifying contrary to what it pretends; but faithfully signifies a wife, that is, a comfortable helpe and society, as God instituted; does not signify deceitfully under this name, an intolerable adversary, not a helpelesse, unaffectionate and sullen masse whose every company represents the visible and exactest figure of loneliness it selfe. Such an associate he who puts away, divorces not a wife, but disjoyns a nullity which God never joyn'd, if she be neither willing, nor to her proper and requisite duties sufficient, as the words of God institute her. And this also is *Bucers* explication of this place.

[*Except it bee for fornication, or saving for the cause of fornication,* as *Matt. 5th*. This declares what kind of causes our Saviour meant; fornication being no natural and perpetual cause, but onely accidental and temporary; therefore shewes that head of causes from whence it is excepted, to bee meant of the same sort. For exceptions are not logically deduc't from a divers kind, as to say who so puts away for any naturall cause except fornication, the exception would want salt. And if they understand it, who so for any cause what ever, they cast themselves; granting divorce for frigidity a naturall cause of their own allowing, though not heer exprest, and for desertion without infidelity when as he who marries, as they allow him for a desertion, deserts as well as is deserted, and finally puts away, for another cause besides adultery. It will with all due reason therefore be thus better understood, who so puts away for any accidental and temporary causes, except one of them, which is fornication. Thus this exception finds out the causes from whence it is excepted, to be of the same kind, that is, casuall, not continuall.

[*Saving for the cause of fornication.*] The New Testament, though it be said originally writt in Greeke, yet hath nothing neer so many *Atticisms* as *Hebraisms*, & *Syriacisms* which was the Majesty of God, not filing the tongue of Scripture to a Gentilish *Idiom*, but in a princely manner offering

ring to them as to Gentiles and Foreigners grace and mercy, though not in forein words, yet in a forein stile that might induce them to the fountaines; and though their calling were high and happy, yet still to acknowledge Gods ancient people their betters, and that language the *Metropolitan* language. He therefore who thinks to *Scholiase* upon the Gospel, though Greek, according to his Greek *Analogsies*, and hath not bin Auditor to the oriental dialects, shall want in the heat of his *Analysis* no accomodation to stumble. In this place, as the 5th of *Matth.* reads it, *Saving for the cause of fornication*, the Greek, such as it is, sounds it, except for the word, *report, speech, or proportion* of fornication. In which regard with other inducements, many ancient and learned writers have understood this exception as comprehending any fault equivalent and proportional to fornication. But truth is, the Evangelist heer *Hebraizes*, taking word or speech for cause or matter in the common eastern phrase, meaning perhaps no more then if he had said for fornication, as in this 19th chapter. And yet the word is found in the 5th of *Exodus* also signifying *Proportion*; where the Israelites are commanded to doe their tasks, *The matter of each day in his day*. A task we know is a proportion of work, not doing the same thing absolutely every day, but so much. Whereby it may be doubtfull yet, whether heer be not excepted not only fornication it self, but other causes equipollent and proportional to fornication. Which very word also to understand rightly, wee must of necessity have recourse again to the Ebrew. For in the Greek and Latin sense by fornication is meant the common prostitution of body for sale. So that they who are so exact for the letter, shall be dealt with by the *Lexicon*, and the *Etymologicon* too if they please, and must be bound to forbidd divorce for adultery also, untill it come to open whoredom and trade, like that for which *Claudius* divorc't *Messalina*. Since therfore they take not heer the word fornication in the common significance, for an open exercise in the stews, but grant divorce for one single act of privatest adultery, notwithstanding that the word speakes a public and notorious frequency of fact, not without price, we may reason with as good leav, and as little straining to the text, that our Saviour on set purpose chose this word *Fornication*, improperly appli'd to the lapse of adultery, that we might not think our selves bound from all divorce, except when that fault hath bin actually committed. For the language of Scripture signifies by fornication (and others beside St. *Austin* so expounded it) not only the trespas of body nor perhaps that between married persons, unless in a degree or quality as shameles

shameles as the *Bordello*, but signifies also any notable disobedience, or in-
 tractable cariage of the wife to the husband, as *Judg.* the 19. 2. Whereof at
 large in the *Docrin of Divorce*, l. 2. c. 18. Secondly signifies the appatent
 alienation of mind not to idolatry, (which may seeme to answer the act
 of adultery) but farre on this side, to any point of will worship, though
 to the true God; some times it notes the love of earthly things, or world-
 ly pleasures though in a right beleever, some times the least suspicion of
 unwitting idolatry. As *Num.* 15. 39. willfull disobedience to any
 the least of Gods commandements is call'd fornication. *Psal.* 73. 26, 27.
 A distrust only in God, and withdrawing from that neernes of zeal and
 confidence which ought to be, is call'd fornication. We may be sure it
 could not import thus much less then Idolatry in the borrow'd metaphor
 between God and man, unless it signifi'd as much less then adultery in
 the ordinary acception between man and wife. Adde also that there was
 no need our Saviour should grant divorce for adultery, it being death by
 law, and law then in force. Which was the cause why *Joseph* sought to
 put away his betrothed wife privately, least he should make her an exam-
 ple of capitall punishment, as lernedest expounders affirm, *Herod* being a
 great zealot of the Mosaic law, and the Pharises great maisters of the text,
 as the woman tak'n in adultery doubtles had cause to fear. Or if they
 can prove it was neglected, which they cannot doe, why did our Saviour
 shape his answer to the corruption of that age, and not rather tell them
 of their neglect? If they say he came not to meddle with their judicatures,
 much less then was it in his thought to make them new ones, or that di-
 vorce should be judicially restrain'd in a stricter manner by these his
 words, more then adultery; judicially acquitted by those his words
 to the adulteres. His sentence doth no more by law forbid divorce
 heer, then by law it doth absolve adultery there. To them therefore,
 who have drawn this yoke upon Christians from his words thus wrested,
 nothing remains but the guilt of a presumption and perversnes which
 will be hard for them to answer. Thus much that the word fornication
 is to be understood as the language of Christ understands it, for a constant
 alienation and disaffection of mind, or for the continual practise of diso-
 bedience and crossnes from the duties of love and peace, that is, in summ,
 when to be a tolerable wife is either naturally not in their power, or ob-
 stinatly not in their will, and this opinion also is *St. Austins*, least it
 should hap to be suspected of novelty. Yet grant the thing heer meant
 were only adultery, the reason of things will afford more to our asserti-
 on,

on, then did the reason of words. For why is divorce unlawfull but only for adultery? because, say they, that crime only breaks the matrimony. But this, I reply, the institution it selfe gainsaies: for that which is most contrary to the words and meaning of the institution, that most breaks the matrimony; but a perpetuall unmeetnes and unwillingnesse to all the duties of helpe, of love and tranquillity is most contrary to the words and meaning of the institution; that therefore much more breaks matrimony then the act of adultery though repeated. For this, as it is not felt, nor troubles him who perceaves it not, so beeing perceav'd, may be soon repented, soon amended, soon, if it can be pardon'd, may be redeem'd wth the more ardent love and duty in her who hath the pardon. But this naturall unmeetnes both cannot be unknown long, and ever after cannot be amended, if it be natural, and will not, if it be farre gone obstinat. So that wanting ought in the instant to be as great a breach as adultery, it gains it in the perpetuity to be greater. Next adultery does not exclude her other fitnes, her other pleasingnes; she may be otherwise both loving and prevalent, as many adulteresses be; but in this general unfitnes or alienation she can be nothing to him that can please. In adultery nothing is given from the husband, which he misses, or enjoyes the less, as it may be justly giv'n: but this unfitnes defrauds him of the whole contentment which is sought in wedloc. And what benefit to him, though nothing be giv'n by the stealth of adultery to another, if that which there is to give, whether it be solace, or society, be not such as may justly content him? and so not only deprives him of what it should give him, but gives him sorrow and affliction, which it did not ow him. Besides is adultery the greatest breach of matrimony in respect of the offence to God, or of the injury to man? if in the former, then other sins may offend God more, and sooner cause him to disunite his servant from being one flesh with such an offender. If in respect of the latter, other injuries are demonstrated therein more heavy to mans nature then the iterated act of adultery. God therefore in his wisdom would not so dispose his remedies, as to provide them for the less injuries, and not allow them for the greater. Thus is won both from the word fornication, & the reason of adultery, that the exception of divorce is not limited to that act, but enlarg'd to the causes above specify'd.

[*And who so marieth her which is put away doth commit adultery.*

By this clause alone, if by nothing els; we may assure us, that Christ intended not to deliver heer the whole doctrin of divorce, but only to condemn abuses. Otherwise to marry after desertion, which the Apostle,

and

and the reformed Churches at this day permitt, is heer forbid, as adultery. Be she never so wrongfully deserted, or put away, as the law then suffer'd, if thus forsak'n and expulst, she accept the refuge and protection of any honest man who would love her better, and give her self in mariage to him, by what the letter guides us, it shall be present adultery to them both. This is either harsh and cruel, or all the Churches teaching as they doe the contrary, are loos and remiss; besides that the Apostle himselfe stands deeply fin'd in a contradiction against our Saviour. What shall we make of this? what rather the common interpreter can make of it, for they be his own markets, let him now trie; let him trie which way he can wind in his *Vermunian* distinctions and evasions, if his canonical gabardine of text and letter do not now sit too close about him, and pinch his activity; which if I erre not, hath heer hamper'd it selfe in a springe sett for those who put their confidence in Alphabets. *Spanheim* a writer of *Evangelic doubts* comes now and confesses that our Saviours words are to be limited beyond the limitation there exprest. and excepted beyond their own exception, as not speaking of what happn'd rarely, but what most commonly. Is it so rare *Spanheim*, to be deserted, or was it then so rare to put away injuriously, that a person so hatefully expell'd, should to the heaping of more injury be turn'd like an infectious thing out of all married fruition upon pain of adultery, as not considerable to the brevity of this halfe sentence? Of what then speaks our Saviour? of *that collusion*, saith he, *which was then most frequent among the Jews of changing wives and husbands, through inconstancy and unchast desires*. Colluders your selves, as violent to this law of God by your unmercifull binding, as the Pharisees by their unbounded loosning! Have thousands of Christian souls perishe as to this life, and God knows what hath betided their consciences, for want of this healing explanation. and is it now at last obscurely drawn forth, only to cure a scratch, and leave the main wound spouting? *Who so ever putteth away his wife except for fornication committeth adultery; That shall be spoke of all ages, and all men, though never so justly otherwise mov'd to divorce: in the very next breath, And who so marieth her which is put away committeth adultery*, the men are new and mariculous, they tell you now you are to limit it to that age, when it was in fashion to chop marriages; and must be meant of him who puts away with his wives consent through the lightnes, and leudnes of them both. But what rule of Logic, or indeed of reason is our commission to understand the *Antecedent* one way and the *Consequent* another; for in that habitude this whole vers may be considered,

sider'd : or at least to take the parts of a *copulat axiom*, both absolutely affirmative, and to say the first is absolutely true, the other not, but must be limited to a certain time and custome ; which is no lesse then to say they are both false. For in this *compound axiom*, be the parts never so many, if one of them doe but falter, & be not equally absolute and generall, the rest are all fals. If therefore, that *he who marries her which is put away commits adultery*, be not generally true, neither is it generally true that *he commits adultery who puts away for other cause then fornication*. And if the marrying her which is put away, must be understood limited, which they cannot but yeild it must, with the same limitation must be understood the putting away. Thus doth the common exposition confound it selfe, and justify this which is heer brought ; that our Saviour as well in the first part of this sentence as in the second, prohibited onely such divorces as the Jewes then made through malice or through plotted licence, not those which are for necessary and just causes ; where charity and wisdom disjoyns, that which not God, but Error and Disastre joyn'd.

And there is yet to this our exposition, a stronger sitting freind, then any can be an adversary, unlesse Saint *Paul* be doubted, who repeating a command concerning divorce, *1 Cor. 7.* which is agreed by writers to be the same with this of our Saviour, and appointing that the *Wife remaine unmarried, or be reconcil'd to her husband*, leaves it infallible that our Saviour spake cheifly against putting away for casual and cholerick disagreements, or any other cause which may with human patience and wisdom be reconcil'd, not hereby meaning to hale and dash together the irreconcilable averations of nature, nor to tie up a faultlesse person like a parricide, as it were into one sack with an enemy, to be his causelesse tormenter and executioner the length of a long life. Lastly, let this sentence of Christ be understood how it will, yet that it was never intended for a judicial law, to be inforc'd by the Magistrat, besides that the office of our Saviour had no such purpose in the Gospel, this latter part of the sentence may assure us, *And who so marrieth her which is put away commits adultery*. Shall the exception for adultery belong to this clause or not ? if not, it would be strange, that he who marries a woman really divorc't for adultery, as Christ permitted, should become an adulter by marrying one, who is now no other mans wife, himself being also free, who might by this meanes reclaim her from common whordome. And if the exception must belong hither, then it follows that he who marries an adulteresse divorc'd, commits no adultery ; which would soone discover to us what an absurd and senseless

senseles peere of injustice this would be, to make a civil statute of, in penal courts: whereby the adulteresse put away may marry another safely, and without a crime to him that marries her: but the innocent and wrongfully divorc'd shall not marry again without the guilt of adultery both to her selfe and to her second husband. This saying of Christ therefore cannot be made a temporal law, were it but for this reason. Nor is it easie to say what coherence there is at all in it from the letter, to any perfect sense not obnoxious to some absurdity, and seems much lesse agreeable to what ever els of the Gospel is left us written; doubtles by our Saviour spok'n in that fiercenes and abstruse intricacy, first to amuse his tempters, and admonish in general the abusers of that Mosaic law; next to let *Herod* know a second knower of his unlawfull act, though the Baptist were beheaded; last that his Disciples and all good men might learne to expound him in this place, as in all other his precepts, not by the written letter, but by that unerring paraphrase of Christian love and Charity, which is the summe of all commands, and the perfection.

Verf. 10. *His Disciples say unto him, if the case of the man be so with his wife, it is not good to marry.*

This verse I adde, to leave no objection behind unanswer'd: for some may thinke, if this our Saviours sentence be so faire, as not commanding ought that patience or nature cannot brook, why then did the Disciples murmur and say, *it is not good to marry*. I answer that the Disciples had bin longer bred up under the Pharisaean doctrine, then under that of Christ, and so no marvel though they yet retain'd the infection of loving old licentious customs; no marvel though they thought it hard they might not for any offence that throughly anger'd them, divorce a wife, as well as put away a servant; since it was but giving her a bill, as they were taught. Secondly, it was no unwonted thing with them not to understand our Saviour in matters farre easier. So that bee it granted their conceit of this text was the same which is now commonly conceiv'd, according to the usual rate of their capacity then; it will not hurt a better interpretation. But why did not Christ seeing their error informe them? for good cause; it was his profess method not to teach them all things at all times, but each thing in due place and season. Christ said *Luke 22.* that *hee who had no sword should sell his garment and buy one*: the Disciples tooke it in a manifest wrong sense, yet our Saviour did not there informe them better. He told

them it was easier for a Camell to go through a needles eye, then a rich man in at heav'n gate. They were amaz'd exceedingly: he explain'd himself to meane of those who trust in riches, *Mark 10.* They were amaz'd then out of measure, for so *Marke* relates it; as if his explaining had increas'd their amazement, in such a plaine case, and which concern'd so neerely their calling to be inform'd in. Good reason therefore, if Christ at that time did not stand amplifying, to the thick prejudice and tradition where'in they were, this question of more difficulty, and lesse concernment to any perhaps of them in particular. Yet did he not omitt to sow within them the seeds of a sufficient determining, agen the time that his promis'd spirit should bring all things to their memory. Hee had declar'd in their hearing not long before, how distant hee was from abolishing the law it selfe of divorce; hee had referr'd them to the institution; and after all this, gives them a set answer, from which they might collect what was cleer enough, that *all men cannot receive all sayings*, verse 11. If such regard bee had to each mans receiving of mariage or single life, what can arise, that the same christian regard should not bee had in most necessary divorce? All which instructed both them and us, that it becom'd his Disciples to leane the deciding of this question, which hath nothing new in it, first by the institution, then by the generall grounds of religion, not by a particular saying here or there, temper'd and level'd only to an incident occasion, the riddance of a tempting assault. For what can this bee but weake and shallow apprehension, to forsake the standard principles of institution, faith, & charity; then to be blanke & various at every occurrence in Scripture, and in a cold *Spasm* of scruple, to reare peculiar doctrines upon the place; that shall bid the gray authority of most unchangeable and sovran rules to stand by & be contradicted. Thus to this Evangelic precept of famous difficulty, which for these many ages weakly understood, and violently put in practice, hath made a shambles rather then an ordinance of matrimony, I am firme a truer exposition cannot be given. If this or that argument heer us'd, please not every one, there is no scarcity of arguments, any halfe of them will suffice. Or should they all faile, as Truth it selfe can faile as soon, I should content me with the institution alone to wage this controversie, and not distrust to evince. If any need it not, the happier; yet Christians ought to study earnestly what may be anothers need. But if, as mortall mischances are, som hap to need it, let them be sure they abuse not, and give God his thanks, who hath reviv'd this remedy, not too late for them, and scow'd off an inveterat misexposition from the Gospel.

Gospel: a work not to perish by the vaine breath or doome of this age. Our next industry shall bee, under the same guidance, to try with what fidelity that remaining passage in the *Epistles* touching this matter, hath bin commented.

1 COR. 7. 10, &c.

10. *And unto the married I command, &c.*

11. *And let not the husband put away his wife.*

THis intimates but what our Saviour taught before, that divorce is no rashly to be made, but reconciliation to be persuaded and endeavour'd, as oft as the cause can have to doe with reconciliation, & is not under the dominion of blameles nature; which may have reason to depart though seldom it and last from charitable love, yet sometimes from friendly, and familiar, and something oftner from conjugal love, which requires not only moral, but natural causes to the making and maintayning; and may be warrantably excus'd to retire from the deception of what it justly seeks, and the ill requitals which unjustly it finds. For Nature hath her *Zodiac* also, keeps her great annual circuit over human things as truly as the Sun and Planets in the firmament; hath her *anomalies*, hath her obliquities in ascensions and declinations, accesses and recesses as blamelesly as they in heaven. And sitting in her planetary Orb with two rains in each hand, one strait, the other loos, tempers the cours of minds as well as bodies to severall conjunctions and oppositions, freindly, or unfreindly aspects, consenting ofttest with reason, but never contrary. This in the effect no man of meanest reach but daily sees; and though to every one it appeare not in the cause, yet to a cleare capacity, well nurtur'd with good reading and observation, it cannot but be plaine and visible. Other exposition therefore then hath bin given to former places that give light to these two summary verses, will not be needfull: save onely that these precepts are meant to those married who differ not in religion.

[But to the rest I speak I, not the Lord; if any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away.]

Now follows what is to be done, if the persons wedded be of a different faith. The common beleef is, that a christian is heer commanded not to divorce, if the infidel please to stay, though it be but to vex, or to deride, or to seduce the christian. This doctrine will be the easie worke of a refutation. The other opinion is, that a christian is heer conditionally permitted

permitted to hold wedlock with a misbeliever only upon hopes limited by christian prudence, which without much difficulty shall be defended. That this heer spoken by *Paul*, not by the Lord cannot be a command, these re-
 avouch. First the law of *Moses*, *Exod.* 34. 16. *Deut.* 7. 3. 6. interpreted by *Exra*, and *Nehemiah* two infallible authors, commands to divorce an infidel not for the feare only of a ceremonious defilement, but of an ir-
 religious seducement, fear'd both in respect of the beleever himsele, and of his children in danger to bee perverted by the misbelieving parent. *Nehem.* 13. 24. 26. and *Peter Martyr* thought this a convincing reason. If therefore the legal pollution vanishing have abrogated the ceremony of this law, so that a christian may be permitted to retaine an infidel without uncleannes, yet the moral reason of divorcing stands to eternity, which neither Apostle nor Angel from heaven can countermand. All that they reply to this, is their human warrant, that God will preserve us in our obedience to this command against the danger of seducement. And so undoubtedly he will, if we understand his commands aright; if we turn not this evangelic permission into a legal, and yet illegal command: If we turne not hope into bondage, the charitable and free hope of gaining another, into the forc't and servil temptation of loosing our selves; but more of this beneath. Thus these words of *Paul* by common doctrine made a command, are made a contradiction to the morall law.

Secondly, not the law only, but the Gospel from the law, and from itsele requires even in the same chapter, where divorce between them of one religion is so narrowly forbidd, rather then our christian love should come into danger of backsliding, to forsake all relations how neer so ever, and the wife expressly, with promise of a high reward, *Mat.* 19. And he who hates not father or mother, wife, or children hindring his christian course, much more, if they despise or assault it, cannot be a Disciple, *Luke* 14. How can the Apostle then command us, to love and continue in that matrimony, which our Saviour bids us hate, and forsake? They can as soon teach our faculty of respiration to contract and to dilate it selfe at once, to breath and to fetch breath in the same instant; as teach our minds how to doe such contrary acts as these, towards the same object, and as they must be done in the same moment. For either the hatred of her religion, or her hatred to our religion will work powerfully against the love of her society, or the love of that will by degrees flatter out all our zealous hatred and forsaking and sooner assure us to unchristianly compliances.

Thirdly, to marrie them ought not only to be a civil love, but such a love

love as Christ loves his Church; but where the religion is contrary without hope of conversion, there can be no love, no faith, no peacefull society, (they of the other opinion confess it) nay there ought not to be, further then in expectation of gaining a soul; when that ceases, we know God hath put enmity between the seed of the woman, and the seed of the Serpent. Neither should we love them that hate the Lord, as the Prophet told *Jehosaphat*. 2 Chron. 19. And this Apostle himselfe in another place, warns us *that we be not unequally yoke with Infidels* 2 Cor. 6. for that there can be no fellowship, no communion, no concord between such. Outward commerce and civil intercourses cannot perhaps be avoided; but true friendship and familiarity there can be none. How vainly therefore, not to say how impiously would the most inward and dear alliance of marriage or continuance in marriage be commanded, where true freindship is confess^d impossible. For say they, wee are forbiidd heer to marry with an infidel, not bid to divorce. But to rob the words thus of their full sense will not be allow'd them: it is not said, enter not into yoke, but *be not unequally yoke*; which plainly forbids the thing in present act, as well as in purpose; and his manifest conclusion is, not only that *we should not touch*, but that having toucht, *we should come out from among them, and be separat*; with the promise of a blessing thereupon that *God will receive us, will be our father, and we his sons and daughters*. v. 17. 18. Why we should stay with an Infidel after the expence of all our hopes, can be but for a civil relation; but why we should depart from a seducer, setting aside the misconstruction of this place, is from a religious necessity of departing. The worse cause therefore of staying (if it be any cause at all, for civil government forces it not) must not overtop the religious cause of separating, executed with such an urgent zeal, & such a prostrate humiliation by *Ezra* and *Nehemiah*. What God hates to joyn, certainly he cannot love should continue joyn'd: it being all one in master of ill consequence, to marry, or to continue married with an Infidel, save only so long as we wait willingly, and with a safe hope. St. *Paul* therefore citing heer a command of the Lord Almighty, for so he terms it, that we should separate, cannot have bound us with that which he calls his own whether command or counsel that we should not separate.

Which is the fourth reason, for he himselfe takes care lest we should mistake him, [*But to the rest speak If not the Lord.*] If the Lord spake not, then man spake it and man hath no Lordship to command thee a science: yet modern interpreters will have it a command maugre St.

Paul himselfe, they will make him a Prophet like *Caiaphas* to speak the word of the Lord not thinking, nay denying to think; though he disavow to have receav'd it from the Lord, his word shall not be tak'n, though an Apostle, he shall be born down in his own Epistle, by a race of exposters who presume to know from whom he spake, better then he himselfe. *Paul* deposes that the Lord speaks not this, they, that the Lord speaks it: can this be less then to brave him with a full fact contradiction? Certainly to such a violence as this, for I cannot call it an expounding, what a man should answer I know not, unless that it be their pleasure next to put a gag into the Apostles mouth, they are already furnisht with a commodious audacity toward the attempt. *Besa* would seem to shun the contradictory by telling us that the Lord spake it not in person, as he did the former precept. But how many other doctrines doth St. *Paul* deliver which the Lord spake not in person, and yet never uses this preamble but in things indifferent? So long as we receive him for a messenger of God, for him to stand sorting sentences what the Lord spake in person, and what he, not the Lord in person, would be but a chill trifling, and his readers might catch an ague the while. But if we shall supply the grammatical *Ellipsis* regularly, and as we must in the same *sense*, all will be then cleer, for we cannot supply it thus, to the rest I speak, the Lord spake not, but I speak, the Lord speaks not. If then the Lord neither spake in person, nor speakes it now, the Apostle testifying both, it follows duely, that this can be no command. Forsooth the fear is, least this not being a command, would prove an evangelic counsel, & so make way for supererogations. As if the Apostle could not speak his mind in things indifferent, as he doth in fower or five several places of this chapter with the like preface of not commanding, but that the doubted inconvenience of supererogating must needs rush in. And how adds it to the word of the Lord, (for this also they object) when as the Apostle by his christian prudence guides us in the liberty which God hath left us to, without command? could not the spirit of God instruct us by him what was free, as well as what was not? But what need I more, when *Cameron* an ingenuous writer, and in high esteem, solidly confutes the surmise of a command heer, and among other words hath these. That *when Paul speaks as an Apostle, he uses this forme*, The Lord saith, not I v. 10. but as a privat man he saith, I speak, not the Lord. And thus also all the prime fathers *Austin*, *Jerom*, and the rest understood this place.

Fittly, The very stating of the question declares this to be no command;

mand; If any brother hath an unbelieving wife, and she be pleas'd to dwell with him, let him not put her away. For the Greek word *οὐκ ἀφαιρει* does not imply only her being pleas'd to stay, but his being pleas'd to let her stay; it must be a consent of them both. Nor can the force of this word be render'd less, without either much negligence or iniquity of him that otherwise translates it. And thus the Greek Church also and their Synods understood it, who best knew what their own language meant, as appears by *Matthæus Monachus* an author set forth by *Leuclanius* and of antiquity perhaps not inferior to *Balsamon* who writes upon the canons of the Apostles; this Author in his chap. that marriage is not to be made with heretics, thus recites the second canon of the 6. Synod, As to the Corinthians Paul determines, If the believing wife chos to live with the unbelieving husband, or the believing husband with the unbelieving wife. Mark saith he, how the Apostle here condescends, if the believer please to dwell with the unbeliever; so that if he please not, out of doubt the marriage is dissolv'd. And I am perswaded it was so in the beginning, and thus preach't. And thereupon gives an example of one, who though not deserted, yet by the decree of *Theodotus* the Patriarch divorc't an unbelieving wife. What therefore depends in the plain state of this question on the consent and well liking of them both, must not be a command. Lay next the latter end of the 11. v. to the twelf (for wherfore els is Logic taught us) in a discrete axiom, as it can be no other by the phrase, *The Lord saith, let not the husband put away his wife, But I say let him not put away a misbelieving wife*; this sounds as if by the judgement of *Paul*, a man might put away any wife but the misbelieving; or els the parts are not discrete, or dissentanie, for both conclude not putting away, and consequently in such a form the proposition is ridiculous. Of necessity therefore the former part of this sentence must be conceav'd, as understood, and silently granted, that although the Lord command to divorce an infidel, yet I, not the Lord command you? No, but give my judgement, that for some evangelic reasons a christian may be permitted not to divorce her. Thus while we reduce the brevity of *St. Paul* to a plainer sense, by the needfull supply of that which was granted between him and the Corinthians, the very logic of his speech extracts him confessing that the Lords command lay in a seeming contrariety to this his counsel: and that he meant not to thrust out a command of the Lord by a new one of his own, as one nail drives another, but to release us from the rigor of it, by the right of the Gospel, so farre forth as a charitable cause leads us on in the hope

hope of winning another soule without the perill of loosing our own. For this is the glory of the Gospel to teach us that *the end of the commandment is charity*, 1 *Tim.* 1. not the drudging out a poore and worthlesse duty forc't from us by the taxe, and taile of so many letters. This doctrine therefore can bee no command, but it must contradict the moral law, the Gospel, and the Apostle himselfe both else where, and heere also evn in the act of speaking.

If then it be no command, it must remain to be a permission, and that not absolute, for so it would be still contrary to the law, but with such a caution as breaks not the law, but as the manner of the Gospel is, fulfills it through charity. The law had two reasons, the one was ceremonial, the pollution that all Gentiles were to the Jewes; this the vision of *Peter* had abolisht, Acts 10. and clens'd all creatures to the use of a Christian. The *Corinthians* understood not this, but fear'd lest dwelling in matrimony with an unbeliever, they were defil'd. The Apostle discusses that scruple with an Evangelic reason, shewing them that although God heretofore under the law, not intending the conversion of the Gentiles, except some special ones, held them as polluted things to the Jew, yet now purposing to call them in, he hath purify'd them from that legal uncleanness wherein they stood, to use and to be us'd in a pure manner.

For saith he, *The unbelieving husband is sanctify'd by the wife, and the unbelieving wife, is sanctify'd by the husband, else were your children unclean; but now they are holy.* That is, they are sanctify'd to you, from that legal impurity which you so feare; and are brought into a neer capacity to be holy, if they beleve, and to have free access to holy things. In the mean time, as being Gods creatures, a christian hath power to use them according to their proper use; in as much as now, *all things to the pure are become pure.* In this legal respect therefore ye need not doubt to continue in mariage with an unbeliever. Thus others also expound this place and *Cameron* especially. This reason warrants us onely what we may doe without feare of pollution, does not binde us that we must. But the other reason of the law to divorce an infidel was moral, the avoiding of enticement from the true faith. This cannot shrink; but remains in as full force as ever, to save the actuall christian from the snare of a misbeliever. Yet if a Christian full of grace and spirituall gifts finding the misbeliever not frowardly affected, feares not a seducing, but hopes rather a gaining, who sees not that this morall reason is not violated by not divorcing, which the law commanded to doe, but better fulfill'd

fil'd by the excellence of the Gospel working through charity. For neither the faithfull is seduc't, and the unfaithfull is either sav'd, or with all discharge of love, and evangelic duty sought to be sav'd. But contrary-wise if the infirme Christian shall bee commanded here against his minde, against his hope, and against his strength, to dwell with all the scandals, the household persecutions, or alluring temptations of an infidel, how is not the Gospel by this made harsher then the law, and more yoking? Therefore the Apostle ere he deliver this other reason why wee need not in all hast put away an infidel, his mind misgiving him least he should seem to be the imposer of a new command, staies not for method, but with an abrupt speed inserts the declaration of their liberty in this matter.

But if the unbelieving depart, let him depart; a brother or a sister is not under bondage in such cases: but God hath called us to peace.

[*But if the unbelieving depart.*] This cannot be restrain'd to locall departure only; for who knows not that an offensive society is worse then a forsaking. If his purpose of cohabitation be to endanger the life, or the conscience, *Beza* himselfe is halfe perswaded, that this may purchase to the faithfull person the same freedom that a desertion may; and so *Gerard* and others whom he cites. If therefore he depart in affection, if hee depart from giving hope of his conversion, if he disturb, or scoffe at religion, seduce, or tempt, if he rage, doubtlesse not the weak onely, but the strong may leave him, if not for feare, yet for the dignities sake of religion, which cannot be liable to all base affronts, meerely for the worshiping of a civil marriage. I take therefore *departing* to bee as large as the negative, of being well pleas'd: that is, if he be not pleas'd for the present to live lovingly, quietly, inoffensively, so as may give good hope; which appeares well by that which followes.

[*A brother or a sister is not under bondage in such cases.*] If *Saint Paul* provide seriously against the bondage of a christian, it is not the only bondage to live unmarried for a deserting infidel, but to endure his presence intolerably, to beare indignities against his religion in words or deedes, to be wearied with seducements, to have idolatries and superstitions ever before his eyes, to be tormented with impure and prophane conversation, this must needs be bondage to a christian; is this left all unprovided for, without remedy, or freedom granted? undoubtedly no, for, the Apostle leave it furder to be consider'd with prudence, what bondage a brother or sister is not under, not onely in this case, but as hee speaks himselfe plurally, *in such cases.*

[*But God hath called us to peace.*] To peace, not to bondage, not to brabbles and contentions with him who is not pleas'd to live peaceably, as marriage and christianity requires. And where strife arises from a cause hopelesse to be allayd, what better way to peace then by separating that which is ill joynd. It is not divorce, that first breaks the peace of family, as som fondly comment on this place, but it is peace already brok'n, which, when other cures fail, can only be restor'd to the faultles person by a necessary divorce. And Saint *Paul* heer warrants us to seeke peace, rather then to remain in bondage. If God hath call'd us to peace, why should we not follow him, why should we miserably stay in perpetual discord under a servitude not requir'd?

[*For what knowest thou O wife, whether thou shalt save thy husband, &c.*] St. *Paul* having thus clear'd himselfe, not to goe about the mining of our christian liberty, not to cast a square upon us, which to doe hee so much hated, returnes now to the second reason of that law to put away an infidel, for feare of seducement, which hee does not heer contradict with a command now to venture that; but if neither the infirmity of the Christian, nor the strength of the unbeliever be fear'd, but hopes appearing that he may be won, he judges it no breaking of that law, though the believer be permitted to forbear divorce, and can abide, without the peril of seducement, to offer the charity of a salvation to wife or husband, which is the fulfilling, not the transgressing of that law; and well worth the undertaking with much hazard and patience. For what knowest thou whether thou shalt save thy wife; that is, till all meanes convenient and possible with discretion and probability, as human things are, have bin us'd. For Christ himselfe sends not our hope on pilgrimage to the worlds end; but sets it bounds beyond which we need not wait on a brother, much lesse on an infidel. If after such a time we may count a professing Christian no better then a heathen, after less time perhaps wee may cease to hope of a heathen, that hee will turne christian. Otherwise, to binde us harder then the law, and tell us wee are not under bondage, is meere mockery. If till the unbeliever please to part, we may not stirre from the house of our bondage, then certain this our liberty is not grounded in the purchas of Christ, but in the pleasure of a miscreant. What knowes the loyal husband whether he may not save the adulteresse, he is not therefore bound to receive her. What knowes the wife but shee may reclaim her husband who hath deserted her; yet the reformed Churches doe not enjoin her to wait longer then after the contempt of an Ecclesiastical

Summons. *Beza* himselfe heer befriends us with a remarkable speech, *what could be firmly constituted in human matters if under pretence of expelling grace from above, it should be never lawfull for us to seeke our right.* And yet in other cases not lesse reasonable to obtain a most just and needfull remedy by divorce, he turnes the innocent party to a taske of prayers beyond the multitude of beads and *rosaries*, to beg the gift of chastity in recompence of an injurious mariage. But the Apostle is evident anough, *We are not under bondage*, trusting that he writes to those who are not ignorant what bondage is, to let supercilious determiners cheat them of their freedome. God hath call'd us to peace, and so doubtlesse hath left in our hands how to obtaine it seasonably; if it be not our own choise to sit ever like novices wretchedly servile.

Thus much the Apostle on this question between Christian and Pagan, to us now of little use; yet supposing it written for our instruction as it may be rightly apply'd, I doubt not but that the difference between a true beleever and a heretic, or any one truly religious either deserted or seeking divorce from any one grossly erroneous or profane may be refer'd hither. For St. *Paul* leaves us heer the solution not of this case only, which little concernes us, but of *such like cases*, which may occur to us. For where the reasons directly square, who can forbid why the verdict should not be the same? But this the common writers allow us not. And yet from this text which in plaine words gives liberty to none unless deserted by an infidel, they collect the same freedom though the desertion bee not for religion, which, as I conceive, they neede not doe; but may without straining reduce it to the cause of fornication. For first they confesse, that desertion is seldome without a just suspicion of adultery: next it is a breach of mariage in the same kind, and in some sort worse: for adultery though it give to another, yet it bereaves not al; but the deserter wholly denies all right, and makes one flesh twain, which is counted the absolutest breach of matrimony, and causes the other, as much as in him lies, to commit sin, by being so left. Neverthelesse those reasons which they bring of establishing by this place the like liberty from any desertion, are faire and solid: and if the thing be lawfull, and can be prov'd so, more waies then one, so much the safer. Their arguments I shall heer rectie, and that they may not com idle, shall use them to make good the like freedome to divorce for other causes; and that we are no more under bondage to any hainous default against the main ends of matrimony, then to a desertion. First they allege that to *Tim. i. 5. 8.* *If any provide not for*

those of his own house, hee hath deny'd the faith, and is worse then an Infidel. But a deserter, say they, can have no care of them who are most his owne, therefore the deserted party is not lesse to bee righted against such a one then against an infidel. With the same evidence I argue, that man or wife who hates in wedloc, is perpetually unfociable, unpeacefull, or unduteous, either not being able, or not willing to performe what the maine ends of mariage demand in helpe and solace, cannot bee said to care for who shou'd bee dearest in the house; therefore is worse then an infidel in both regards, either in undertaking a duty which he cannot performe, to the undeserved and unspeakable injury of the other party so defrauded and betray'd, or not performing what he hath undertaken, whenas he may or might have, to the perjury of himselfe more irreligious then heathenisme. The blamelesse person therefore hath as good a plea to sue out his delivery from this bondage, as from the desertion of an infidel. Since most writers cannot but grant that desertion is not only a local absence, but an intolerable society; or if they grant it not, the reasons of Saint Paul grant it, with all as much leave as they grant to enlarge a particular freedom from paganisme, into a general freedom from any desertion. Secondly, they reason from the likenes of either fact, *the same losse redounds to the deserted by a christian, as by an infidel, the same perill of temptation.* And I in like manner affirme that if honest and free persons may be allow'd to know what is most to their owne losse, the same losse and discontent, but worse disquiet with continuall misery and temptation resides in the company, or better call'd the persecution of an unfit, or an unpeaceable consort, then by his desertion. For then the deserted may enjoy himselfe at least. And he who deserts is more favourable to the party whom his presence afflicts, then that importunat thing which is and will be ever conversant before the eyes a loyal and individual vexation. As for those who still rudely urge it no loss to mariage, no desertion, so long as the fittest is present and offers a benevolence that hates, or is justly hated, I am not of that vulgar and low perswasion, to thinke such forc'd embracements as these worth the honour, or the humanity of mariage, but farre beneath the soul of a rational and freeborne man. Thirdly they say, *it is not the infidelity of the deserter, but the desertion of the infidel from which the Apostle gives this freedom;* and I joynie that the Apostle could as little require our subjection to an unfit and injurious bondage present, as to an infidel absent. To free us from that which is an evil by being distant, and not from that which is an inmate, and in the bosome

evil

evil, argues an improvident and careless de'iverer. And thus all occasions, which way so ever they turn. are not unofficious to administer something which may conduce to explain, or to defend the assertion of this book touching divorce. I complain of nothing, but that it is indeed too copious to be the matter of a dispute, or a defence, rather to be yielded, as in the best ages, a thing of common reason, not of controversy. What have I left to say? I fear to be more elaborat in such a perspicuity as this; lest I should seem not to teach, but to upbraid the dulness of an age; not to commun with reason in men, but to deplore the loss of reason from among men: this only, and not the want of more to say, is the limit of my discours.

Who among the fathers have interpreted the words of Christ concerning divorce, as is heer interpreted; and what the civil law of Christian Emperors in the primitive Church determin'd.

Although testimony be in Logic an argument rightly call'd *inartificial*, & doth not solidly fetch the truth by multiplicity of Authors, nor argue a thing false by the few that hold so; yet seeing most men from their youth so accustom, as not to scanne reason, nor cleerly to apprehend it, but to trust for that the names and numbers of such, as have got, and many times undeservedly, the reputation among them to know much, and because there is a vulgar also of teachers, who are as blindly by whom they fancy led, as they lead the people, it will not be amiss for them who had rather list themselves under this weaker sort, and follow authorities, to take notice that this opinion which I bring, hath bin favour'd, and by som of those affirm'd, who in their time were able to carry what they taught, had they urg'd it, through all Christendom; or to have left it such a credit with all good men, as they who could not boldly use the opinion, would have fear'd to censure it. But since by his appointment on whom the times and seasons wait, every point of doctrine is not fatal to be thoroughly sifted out in every age, it will be enough for me to find, that the thoughts of wisest heads heertofore, and hearts no less reverent for devotion have tended this way, and contributed their lot in some good measure towards this which hath bin heer attain'd. Others of them and modern especially, have bin as full in the assertion, though not so full in the reason; so that either in this regard, or in the former, I shall be manifest in a middle fortune to meet the praise or dispraise of beeing something

something first. But I defer not what I undertooke to shew, that in the Church both primitive and reformed, the words of Christ have bin understood to grant divorce for other causes then adultery; and that the word *fornication* in mariage hath a larger sense then that commonly suppos'd.

Iustin Martyr in his first *Apology* writt'n within 50. yeares after *St. Iohn* dy'd, relates a story which *Ensebius* transcribes, that a certain matron of Rome, the wife of a vitious husband, her selfe also formerly vitious, but converted to the faith, and perswading the same to her husband, at last the amendment of his wicked life, upon his not yeilding to her daily entreaties and persuations in this behalf, procu'd by law to be divorc't from him. This was neither for adultery, nor desertion, but as the relation saies, *Esteeming it an ungodly thing to be the consort of bed with him, who against the law of nature and of right sought out voluptuous waies.* Suppose he endeavour'd som unnaturall abuse, as the Greek admitts that meaning, it cannot yet be call'd adultery; it therefore could be thought worthy of divorce no otherwise then as equivalent, or wors; and other vices will appear in other respects as much divorfive. Next tis said her freinds advis'd her to stay a while; and what reason gave they? not because they held unlawfull what she purpos'd, but because they thought she might longer yet hope his repentance. She obey'd, till the man going to *Alexandria*, and from thence reported to grow still more impenitent, not for any adultery or desertion, wherof neither can be gather'd, but, saith the *Martyr*, and speaks it like one approving, *lest she should be partaker of his unrighteous and ungodly deeds, remaining in wedlock, the communion of bed and board with such a person, she left him by a lawfull divorce.* This cannot but give us the judgement of the Church in those pure and next to Apostolic times. For how els could the woman have bin permitted, or heer not reprehended; and if a wife might then doe this without reprooff, a husband certainly might no les, if not more.

Tertullian in the same age writing his 4. book against *Marcion* witnesses that Christ by his answer to the *Pharises* protected the constitution of *Moses* as his own, and directed the institution of the creator, for I alter not his *Carthaginian* phrase; he excus'd rather then destroy'd the constitution of *Moses*; I say he forbidd conditionally, if any one therefore put away that he may marry another: so that if he prohibited conditionally, then not wholly; and what he forbidd not wholly, he permitted otherwise, where the cause ceases for which he prohibited: that is when a man makes it not the cause of his

his putting away, meerly that he may marry again. *Christ teaches not contrary to Moses, the justice of divorce hath Christ the asserter: he would not have marriage separat, nor kept with ignominy, permitting then a divorce,* and guesses that this vehemence of our Saviours sentence was chiefly bent against *Herod*, as was cited before. Which leavs it evident how *Tertullian* interpreted this prohibition of our Saviour; for whereas the text is, *Whosoever putteth away and marieth another*, wherefore should *Tertullian* explain it, *Whosoever putteth away that he may marry another*, but to signify his opinion that our Saviour did not forbidd divorce from an unworthy yoke, but forbidd the malice or the lust of a needles change and chiefly those plotted divorces then in use.

Origen in the next century testifies to have known certain who had the government of Churches in his time, who permitted som to marry, while yet their former husbands liv'd, and excuses the deed, as don *not without cause, though without Scripture*, which confirms that cause not to be adultery; for how then was it against Scripture that they married again. And a little beneath, for I cite his 7. homily on *Matthew*, saith he, *To endure fault's mors then adultery and fornication, seems a thing unreasonable, and disputes therefore that Christ did not speak by way of precept, but as it were expounding.* By which and the like speeches *Origen* declares his mind farre from thinking that our Saviour confin'd all the causes of divorce to actual adultery.

Lactantius of the age that succeeded speaking of this matter in the 6. of his *institutions*, hath these words. *But lest any think he may circumscribe divine precepts, let this be added, that all misinterpreting, and occasion of fraud, or death may be remov'd, he commits adultery who marries the divorce's wife, and, besides the crime of adultery, divorces a wife that he may marry another.* To divorce and marry another, and to divorce that he may marry another, are two different things; and imply that *Lactantius* thought not this place the forbidding of all necessary divorce, but such only as proceeded from the wanton desire of a future choise, not from the burden of a present affliction.

About this time the Council of *Eliberis* in *Spain* decreed the husband excommunicat, *If he kept his wife being an adulteress; but if he left her, he might after ten yeares be receav'd into communion; if he retain'd her any while in his house after the adultery known.* The council of *Neocæsarea* in the year 314. decreed, that if the wife of any *Laic* were convicted of adultery, that man could not be admitted into the ministry: if after ordination. it

were

were committed, he was to divorce her; if not, he could not hold his ministry. The council of *Nantes* condemn'd in 7. yeares penance the husband that would reconcile with an adulteress. But how proves this that other causes may divorce? it proves thus; there can be but two causes why these councils enjoin'd so strictly the divorcing of an adulteress, either as an offender against God, or against the husband; in the latter respect they could not impose on him to divorce; for every man is the master of his own forgiveness; who shal hinder him to pardon the injuries don against himself? It follows therefore that the divorce of an adulteress was commanded by these three councils, as it was a sin against God; and by all consequence they could not but beleve that other sins as hainous might with equal justice be the ground of a divorce.

Basil in his 73. rule, as *Chamier* numbers it, thus determines, that divorce ought not to be, unlesse for adultery, or the hindrance to a godly life. What doth this but proclaime aloud more causes of divorce then adultery, if by other sins besides this, in wife or husband, the godlines of the better person may be certainly hinder'd, and endanger'd.

Epiphanius no less ancient, writing against Heretics, & therefore should himself be orthodoxal above others, acquaints us in his second book *Tom. 1.* not that his private perswasion was, but that the whole Church in his time generally thought other causes of divorce lawful besides adultery, as comprehended under that name; If, saith he, a divorce happ'n for any cause either fornication, or adultery, or any hainous fault, the word of God blames not either the man or wife marrying again, nor cuts them off from the congregation, or from life, but beares with the infirmity; not that he may keep both wives, but that leaving the former he may be lawfully joyn'd to the latter, the holy word, and the holy Church of God commiserates this man, especially, if he be otherwise of good conversation, and live according to Gods law. This place is cleerer then exposition, and needs no comment.

Ambrose on the 16. of *Luke*, teaches that all wedloc is not Gods joyning and to the 19. of *Pro.* That a wife is prepar'd of the Lord, as the old latin translates it, he answers that the septuagint renders it, a wife is fitted by the Lord, and temper'd to a kind of harmony; and where that harmony is there God joyns; where it is not, there dissension reigns, which is not from God, for God is love. This he brings to prove the marrying of Christian with Gentile to be no marriage, and consequently divorc't without sin: but he who sees not this argument how plainly it serves to divorce any untunable, or unattonable matrimony, sees little. On the 1 to the *Cor.* 7, he grants a wor
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man may leave her husband not for only fornication, but for *Apostacy*, and *inverting nature*, though not marry again; but the man may: heere are causes of divorce assign'd other then adultery. And going on he affirms, that the cause of God is greater then the cause of matrimony; that the reverence of wedlock is not due to him who hates the author thereof; that no matrimony is firm without devotion to God; that dishonour done to God acquits the other being deserted from the bond of matrimony; that the faith of marriage is not to be kept with such. If these contorted sentences be ought worth, it is not the desertion that breaks what is broken, but the impiety; and who then may not for that cause better divorce, then tarry to be deserted? or these grave sayings of St. *Ambrose* are but knacks.

Jerom on the 19. of *Matthew* explains, that for the cause of fornication, or the suspicion thereof a man may freely divorce. What can breed that suspicion, but sundry faults leading that way? by *Jeroms* consent therefore divorce is free not only for a full adultery, but for any cause that may encline a wise man to the just suspicion thereof.

Austin also must be remember'd among those who hold that this instance of fornication gives equal inference to other faults equally hateful, for which to divorce: & therefore in his books to *Pollentius* he disputes that infidelity, as being a greater sin then adultery, ought so much the rather cause a divorce. And on the Sermon in the Mount, under the name of fornication will have idolatry, or any harmfull superstition contain'd, which are not thought to disturb matrimony so directly as some other obstinacies and disaffections, more against the daily duties of that covenant, & in the eastern tongues not unfrequently call'd fornication, as hath bin shew'n. Hence is understood, saith he, that not only for bodily fornication, but for that which draws the mind from Gods law, and foully corrupts it, a man may without fault put away his wife, and a wife her husband, because the Lord excepts the cause of fornication, which fornication we are constrain'd to interpret in a general sense. And in the first book of his *retractations* chap. 16. he retracts not this his opinion, but commends it to serious consideration; and explains that he counted not there all sin to be fornication, but the more detestable sort of sins. The cause of fornication therefore is not in this discourse newly interpreted to signify other faults infringing the duties of wedlock, besides adultery.

Lastly the council of *Agatha* in the year 506. can. 25. decreed, that if lay men who divorce without some great fault, or giving no probable cause, therefore divorce, that they might marry some unlawfull person, or some other

mans, if before the provinciall Bishops were made acquainted, or judgement past, they presum'd this, excommunication was the penalty. Whence it followes, that if the cause of divorce were som great offence, or that they gave probable causes for what they did, and did not therefore divorce that they might presume with som unlawfull person, or what was another mans, the censure of Church in those daies did not touch them.

Thus having alleg'd enough to shew after what manner the primitive Church for above 500. yeares understood our Saviours words touching divorce, I shall now with a labour less disperst, and sooner dispatcht, bring under view what the civil law of those times constituted about this matter: I say the civil law, which is the honour of every true Civilian to stand for, rather then to count that for law, which the pontificall Canon hath enthrall'd them to, and in stead of interpreting a generous and elegant law, made them the drudges of a blockish Rubric.

Theodosius and Valentinian, pious Emperors both, ordain'd that as by consent lawfull marriages were made, so by consent, but not without the bill of divorce, they might be dissolv'd; and to dissolve was the more difficult, onely in favour of the children. We see the wisdom and piety of that age one of the purest and learnedest since Christ, conceav'd no hindrance in the words of our Saviour, but that a divorce mutually consented, might bee suffer'd by the law, especially if there were no children, or if there were, carefull provision was made. And further saith that law (supposing there wanted the consent of either) *Wee designe the causes of divorce by this most wholsom law; for as we forbid the dissolving of marriage without just cause, so we desire that a husband or a wife distressed by som advers necessity, should be freed, though by an unhappy, yet a necessary releefe.* What dramme of wisdom, or religion (for charity is truest religion) could there be in that knowing age, which is not virtually summ'd up in this most just law? As for those other Christian Emperours, from *Constantine* the first of them, finding the Roman law in this point so answerable to the Mosaic, it might bee the likeliest cause why they alter'd nothing to restraint, but if ought, rather to liberty, for the helpe, and consideration of the weaker sexe, according as the Gospel seems to make the wife more equal to her husband in these conjugal respects then the law of *Moses* doth. Therefore if a man were absent from his wife foure yeares, and in that space not heard of, though gon to warre in the service of the Empire, he might divorce, and marry another by the edict of *Constantine to Dalmatians*. Co. l. 5. tit. 17. And this was an age of the Church both antient, and cry'd up still for the most flourishing

thing in knowledge and pious government since the Apostles. But to returne to this law of *Theodosius*, with this observation by the way, that still as the Church corrupted, as the Clergie grew more ignorant, and yet more usurping on the Magistrate, who also now declin'd, so still divorce grew more restrain'd; though certainly if better times permitted the thing that worse times restrain'd, it would not weakly argue that the permission was better, and the restraint worse. This law therefore of *Theodosius* wiser in this then the most of his successor, though not wiser then God and *Moses*, reduc't the causes of divorce to a certain number which by the judicall law of God, and all recorded humanitie were left before to the brest of each husband, provided that the dismissee was not without reasonable conditions to the wife. But this was a restraint not yet come to extreames. For besides adultery and that not only actual, but suspected by many signes there set down, any fault equally punishable with adultery, or equally infamous might bee the cause of a divorce. Which informes us how the wisest of those ages understood that place in the Gospel, whereby, not the pilfering of a benevolence was consider'd as the main and only breach of wedloc, as is now thought, but the breach of love and peace, a more holy union then that of the flesh; and the dignity of an honest person was regarded, not to bee held in bondage with one whose ignominy was infectious. To this purpose was constituted *Cod. l. 5. tit. 17.* and *Authent. collat. 4. tit. 1. Novell. 22.* where *Justinian* added three causes more. In the 117. *Novell.* most of the same causes are allow'd, but the liberty of divorcing by consent is repeal'd: but by whom? by *Justinian*, not a wiser, not a more religious emperor then either of the former, but noted by judicious writers for his fickle head in making and unmaking lawes; and how *Procopius* a good historian, and a counselor of state then living decipheres him in his other actions, I willingly omitt. Nor was the Church then in better case, but had the corruption of a 100. declining yeare swept on it, when the statute of *consent* was call'd in; which as I said, gives us every way more reason to suspect this restraint, more then that liberty: which therefore in the reign of *Justin* the succeeding Emperor was recall'd, *Novel. 140.* & establish't with a preface more wise & christianly then for those times, declaring the necessity to restore that *Theodosian* law, if no other meanes of reconciliation could be found. And by whom this law was abrogated, or how long after, I doe not finde; but that those other causes remain'd in force, as long as the Greek empire subsisted, and were assented by that Church, is to bee read

in the Canons and edicts compar'd by *Photius* the Patriarch, with the avertiments of *Balsamon*, and *Matthæus Monachus* thereon.

But long before those dayes *Leo* the son of *Basilins*, *Macedo* reigning about the yeare 886. and for his excellent wisdom surnam'd the *Philosopher*, constituted that in case of madnesse the husband might divorce after three yeares, the wife after 5. Constitut. *Leon*, 111. 112. t his declares how hee expounded our Saviour, and deriv'd his reasons from the institution, which in his preface with great eloquence are set downe; whereof a passage or two may give som prooffe, though better not divided from the rest. *There is not, saith he, a thing more necessary to preserve mankind, then the helpe giv'n him from his own rib; both God and nature so teaching us: which being so, it was requisite that the providence of law, or if any other care be to the good of man, should teach and ordaine those things which are to the helpe and comfort of married persons, and confirme the end of marriage purpos'd in the beginning, not those things which afflict and bring perpetuall misery to them.* Then answers the objection that they are one flesh; if *Matrimony* had held so as God ordain'd it, he were wicked that would dissolve it. *But if we respect this in matrimony, that it be contracted to the good of both, how shall he, who for some great evil feard, perswades not to marry though contracted, not perswade to unmarried, if after marriage a calamity befall? should we bid beware least any fall into an evil, and leave him helpless who by humane error is fall'n therein? This were as if we should use remedies to prevent a disease, but let the sick die without remedy.* The rest will be worth reading in the author.

And thus we have the judgement first of primitive fathers; next of the imperial law not disallow'd by the universal Church in ages of her best authority; and lastly of the whole Greeke Church and civil state, incorporating their Canons and edicts together, that divorce was lawfull for other causes equivalent to adultery, contain'd under the word fornication. So that the exposition of our saviours sentence heer alleg'd hath all these ancient and great asserters, is therefore neither new nor licentious, as some now would perswade the commonalty; although it be neerer truth that nothing is more new then those teachers themselves, & nothing more licentious then some known to be, whose hypocrisie yet shames not to take offence at this doctrine for licence; when as indeed they feare it would remove licence, and leave them but few companions.

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That the Popes Canon law incroaching upon civil Magistracy abolish all divorce even for adultery. What the reformed Divines have recovered; and that the famousst of them have taught according to the assertion of this book.

But in these western parts of the empire it will appeare almost unquestionable, that the cited law of *Theodosius* and *Valentinian* stood in force untill the blindest and corruptest times of Popedom displac't it. For that the volumes of *Justinian* never came into *Italy*, or beyond *Illiricum*, is the opinion of good Antiquaries. And that only manuscript thereof found in *Apulia* by *Lotharius* the *Saxon*, and giv'n to the state of *Pisa* for their aid at sea against the *Normans* of *Sicily*, was receav'd as a rarity not to be matcht. And although the *Goths*, and after them the *Lombards* and *Franks* who over-run the most of *Europ* except this Island (unlesse wee make our *Saxons* and *Normans* a limm of them) brought in their owne customes, yet that they follow'd the Roman laws in their contracts and mariages, *Agathias* the historian is alleg'd. And other testimonies relate that *Alaricus* & *Theodoric* their Kings writ their statutes out of this *Theodosian Code* which hath the recited law of Divorce. Neverthelesse while the Monarchs of Christendome were yet barbarous, and but halfe Christian, the Popes tooke this advantage of their weake superstition, to raise a corpulent law out of the canons and decretals of audacious preists; and presum'd also to set this in the front; *That the constitutions of princes are not above the constitutions of clergy, but beneath them.* Using this very instance of divorce as the first prop of their tyranny; by a false consequence drawn from a passage of *Ambrose* upon *Luke* where hee saith, though *Mans law grant it, yet Gods law prohibits it.* Whence *Gregory* the Pope writing to *Theodisfa* inferrs that Ecclesiasticall Courts cannot be dissolv'd by the Magistrate. A faire conclusion from a double error. First in saying that the divine law prohibited divorce, for what will hee make of *Moses*; next supposing that it did, how will it follow, that what ever Christ forbids in his Evangelic precepts, should be hal'd into a judicial constraint against the patterne of a divine law: Certainly the Gospel came not to enact such compulsions. In the meane while wee may note heere that the restraint of divorce was one of the first faire seeming pleas which the Pope had, to step into secular authority, and with his Antichristian rigor to abolish the permissive law of Christian princes conforming to a sacred lawgiver. Which if we consider, this papal and un-

just restriction of divorce need not be so deere to us, since the plausible restraining of that, was in a manner the first loosning of Antichrist; and as it were the substance of his eldest horn. Nor doe we les remarkably ow the first meanes of his fall heer in *England* to the contemning of that restraint by *Henry 8.* whose divorce he oppos'd. Yet was not that rigour executed anciently in spiritual Courts untill *Alexander* the third, who trod upon the neck of *Frederic Barbarossa* the Emperor, and summond our *Henry 2.* into *Normandy* about the death of *Becket*. He it was, that the worthy author may be known, who first actually repeal'd the imperial law of divorce, and decreed this tyrannous decree, that matrimony for no cause should be dissolv'd, though for many causes it might separate; as may be seen *decret. Gregor. l. 4. tit. 19.* and in other places of the Canonickall Tomes. The main good of which invention, wherein it consists who can tell? but that it hath one vertue incomparable, to fill all christendom with whordomes, and adulteries beyond the art of *Balaams* or of divells. Yet neither can these, though so perverse, but acknowledge that the words of Christ under the name of fornication allow putting away for other causes then adultery both from *bed and bord*, but not from the *bond*; their only reason is, because mariage they beleeve to bee a Sacrament. But our Divines who would seem long since to have renounc'd that reason, have so forgot them selves, as yet to hold the absurdity, which but for that reason, unlesse there be some mystery of Satan in it, perhaps the Papist would not hold. Tis true, we grant divorce for a *ctual & prov'd* adultery, and not for lesse then many tedious and unreparable yeares of desertion, wherein a man shall loose all his hope of posterity, which great and holy men have bewail'd, ere he can be righted; and then perhaps on the confines of his old age, when all is not worth the while. But grant this were seasonably don; what are these two cases to many other, which afflikt the state of mariage as bad, and yet find no redresse? What hath the soule of man deserv'd, if it be in the way of salvation, that it should be morgag'd thus, and may not redeem it selfe according to conscience out of the hands of such ignorant and slothfull teachers as these, who are neither able nor mindful to give due tendance to that pretious cure which they rashly vndertake; nor have in them the noble goodnesse to consider these distresses and accidents of mans life; but are bent rather to fill their mouthes with Tithes and oblation. Yet if they can learne to follow, as well as they can seeke to be follow'd, I shall direct them to a faire number of renowned men, worthy to be their leaders, who will commend to them a doctrin in this point wiser then their own, and if they bee not

impatient, it will be the same doctrine which this treatise hath defended.

Wickles that Englishman honor'd of God to be the first preacher of a general reformation to all *Europe*, was not in this thing better taught of God, then to teach among his cheifest recoveries of truth, that divorce is lawfull to the christian for many other causes equall to adultery. This book indeed through the poverty of our Libraries I am forc't to cite from *Arniseus* of *Halberstad* on the right of marriage, who cites it from *Corasius* of *Tolouse* c. 4. Cent. Scit. and he from *Wickles*. l. 4. Dial. c. 21. So much the forrier, for that I never lookt into author cited by his adversary upon this occasion, but found him more conducible to the question, then his quotation render'd him.

Next *Luther*, how great a servant of God, in his book of conjugal life quoted by *Gerard* out of the Dutch, allowes divorce for the obstinate denial of conjugal duty; and that a man may send away a proud *Vashti*, and marry an *Esther* in her stead. It seemes, if this example shall not be impertinent, that *Luther* meant not onely the refusall of benevolence, but a stubborn denial of any main conjugal duty; or if he did not, it will be evinc't from what he allowes. For out of question, with men that are not barbarous, love and peace, and fittesse will be yeelded as essentiall to marriage, as corporal benevolence. Though I give my body to be burnt, saith *Saint Paul*, and have not charity, it profits me nothing. So though the body prostitute it selfe to whom the mind affords no other love or peace, but constant malice and vexation, can this bodily benevolence deserv to be call'd a marriage between Christians and rationall creatures.

Melanchion, the third great luminary of reformation in his book concerning marriage grants divorce for cruell usage, and danger of life, urging the authority of that *Theodosian* law, which he esteemes written with the grave deliberation of godly men; and that they who reject this law, and thinke it disagreeing from the Gospel, understand not the difference of law and Gospel; that the Magistrate ought not only to defend life, but to succour the weak conscience, lest broke with grief and indignation it relinquish prayer, and turn to some unlawful thing. What if this heavy plight of despaire arise from other discontents in wedlock which may goe to the soule of a good man more then the danger of his life, or cruel usings, which a man cannot be liable to, suppose it be ingratefull usage, suppose it be perpetuall spight and disobedience, suppose a hatred, shall not the Magistrate free him from this disquiet which interrupts his prayers, and disturbs the course of his service to God and his Country all as much, and brings him such a misery as

ry, as that he more desires to leave his life then feares to loose it: Shall not this equally concerne the office of civil protection, and much more the charity of a true Church to remedy?

Erasmus who for learning was the wonder of his age, both in his *notes* on *Matthew*, and on the first to the *Corinthians* in a large and eloquent discourse, and in his answer to *Phimosle* a Papist, maintaines (and no protestant then living contradicted him) that the words of Christ comprehend many other causes of divorce under the name of fornication.

Bucer, whom our famous Dr *Rainolds* was wont to preferre before *Calvin*, in his comment on *Matthew*, and in his second booke of the *Kingdome of Christ*, treats of divorce at large to the same effect, as is written in the doctrine and discipline of divorce lately published, and the translation is extant: whom lest I should be thought to have wrested to mine own purpose, take something more out of his 49. Chap. which I then for brevity omitted. *It will be the duty of pious princes, and all who govern Church, or common wealth, if any, whether husband or wife, shall affirme their want of such who either will, or can tolerably performe the necessary duties of married life, to grant that they may seeke them such, and marry them; if they make it appeare that such they have not.* This booke he wrote heer in *England*, where he liv'd the greatest admir'd man, and this hee dedicated to *Edward* the sixth.

Fagius rankt among the famous divines of *Germany*, whom *Frederic* at that time the *Palatine* sent for to be the reformer of his Dominion, and whom afterwards *England* sought to, and obtain'd of him to come and teach her, differs not in this opinion from *Bucer*, as his notes on the *Chaldey paraphrast* well testify.

The whole Church of *Strasburgh* in her most flourishing time, when *Zellius*, *Hedio*, *Capito*, and other great Divines taught there, and those two renowned magistrates *Farrerus* and *Sturmius* govern'd that common wealth and Academy to the admiration of all *Germany*, bath thus in the 21. Article. *We teach that if according to the word of God, yea or against it, divorces happen, to doe according to Gods Word, Deut. 24. 1. Mat. 19. 1 Cor. 7. and the observation of the primitive Church, and the Christian constitution of pious Casars.*

Peter Martyr seems in word our easy adversary, but is in deed for us: toward which though it be something when he saith of this opinion, *that it is not wicked, and can hardly be refused*, this which followes is much more, *I speake not heer saith he, of natural impediments which may so happ'n, that*

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the matrimony can no longer hold: but adding, that he often wonder'd, how the antient and most christian Emperors establish'd those lawes of divorce, and neither Ambrose, who had such influence upon the lawes of Theodosius, nor any of those holy fathers found fault, nor any of the Churches, why the Magistrats of this day should be so loth to constitute the same. Perhaps they feare an inundation of divorces, which is not likely, whereas we read not either among the Ebrews, Greeks, or Romans that they were much frequent where they were most permitted. If they judge christian men worse then Jewes or Pagans, they both injure that name, and by this reason will bee constrain'd to grant divorces the rather; because it was permitted as a remedy of evil, for who would remove the modeste, while the disease is yet so ripe? This being read both in his common places, & on the first to the Corinthians, with what we shall relate more of him yet ere the end, sets him absolutely on this side. Not to insist that in both these, & other places of his commentaries hee grants divorce not only for desertion, but for the seducement and scandalous demeanour of a heretical consort.

Musculus a divine of no obscure fame distinguishes betweene the religious and the civil determination of divorce; and leaving the civil wholly to the lawyers, pronounces a conscionable divorce for impotence not only natural, but accidental, if it be durable. His equity it seems, can enlarge the words of Christ to one cause more then adultery; why may not the reason of another man as wife, enlarge them to another cause.

Guiler of Zurich a well known judicious commentator in his Homilies on Matthew, allows divorce for Leprosie, or any other cause which renders unfit for wedlock, and calls this rather a nullity of marriage than a divorce, and who, that is not himselfe a meer body, can restrain all the unities of marriage only to a corporal defect.

Hemingsius an Author highly esteem'd, and his works printed at Geneva, writing of divorce, confesses that lerned men vary in this question, some granting three causes thereof, some five, others many more; he himselfe gives us sixe, adultery, desertion, inability, error, evill usage, and impiety, using argument that Christ under one specification includes the whole kind, & under the name of fornication, he includes other causes equipollent. This discours he wrote at the request

request of many who had the judging of these causes in Denmark and Norway, who by all likelihood follow'd his advice.

Hunnus a Doctor of *Wittenberg*, well known both in Divinity & other arts, on the 19. of *Matth.* affirms that the exception of fornication express'd by our Saviour excludes (not other causes equalling adultery, or destructive to the substantial of matrimony; but was oppos'd to the custom of the Jewes who made divorce for every light cause.

Felix Bidenbachius an eminent Divine in the Dutchy of *Wittenberg* affirms that the obstinate refusal of conjugal due is a lawful cause of divorce, and gives an instance that the consistory of that state so judg'd.

Gerard cites *Harbardus* an author not unknown, and *Arniseus* cites *Wigandus*, both yeelding divorce in case of cruel usage; and another author who testifies to have seen in a dukedom of Germany marriages disjoyn'd for some implacable enmities arising.

Beza one of the strictest against divorce, denies it not for danger of life from a Heretic, or importunate solicitation to doe ought against religion: and counts it all one whether the heretic desert, or would stay upon intolerable conditions. But this decision well examin'd will be found of no solidity. For *Beza* would be askt why, if God so strictly exact our stay in any kind of wedlock, wee had not better stay and hazard a murdering for Religion at the hand of a wife, or husband, as he and others enjoyn us to stay and venture it for all other causes but that? and why a mans life is not as well and warrantably sav'd by divorcing from an orthodox murderer, as a heretical? Again, if desertion be confest by him to consist not only in the forsaking, but in the unsufferable conditions of staying, a man may as well deduce the lawfulness of divorcing from any intolerable conditions. (if his grant bee good that wee may divorce thereupon from a heretic) as he can deduce it lawfull to divorce from any deserter, by finding it lawful to divorce from a deserting infidel. For this is plaine, if *Saint Pauls* permission to divorce an infidel deserter, inferre it lawfull for any malicious desertion, then doth *Beza's* definition of a deserter transferr it selfe with like facility from the cause of religion to the cause of malice, and proves it as good to divorce from him who intolerably stayes as from him who purposely departs; and leaves it as lawfull to depart from him who urgently requires a
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wicked thing, though professing the same religion, as from him who urges a heathenish or superstitious compliance in a different faith. For if there be such necessity of our abiding, wee ought rather to abide the utmost for religion then for any other cause; seeing both the cause of our stay is pretended our religion to marriage, and the cause of our suffering is suppos'd our constant marriage to religion. *Beza* therefore by his owne definition of a deserter justifies a divorce from any wicked or intolerable conditions rather in the same religion then in a different.

Aretius a famous Divine of *Bern* approves many causes of divorce in his *Problemes*, and adds that the lawes and consistories of *Switzerland* approve them also. As first, adultery, and that not actual only, but intensional, alleging *Matthew* the fifth, *Whoever looketh to lust, hath committed adultery already in his heart.* When by faith he, our Saviour shewes that the breach of matrimony may be not only by outward act, but by the heart and desire; when that hath once possess'd, it renders the conversation intolerable, and commonly the fact follows. Other causes to the number of 9. or 10. consenting in most with the imperial lawes, may bee read in the author himselfe, who avers them to be grave and weighty. All these are men of name in Divinity, and to these if need were, might be added more. Nor have the Civilians bin all so blinded by the Canon, as not to avouch the justice of those old permissions touching divorce.

Alciat of *Millain*, a man of extraordinary wisdom and learning, in the sixth book of his *Parerga* defends those imperial lawes, not repugnant to the Gospel, as the Church then interpreted. For faith hee, the antients understood him separat by man, whom passions and corrupt affections divorc't, not, if the provincial Bishops first heard the matter, and judg'd, as the council of *Agatha* declares; and on some part of the Code hee names *Isidornus Hispanensis* the first computer of Canons, to be in the same minde. And in the former place gives his opinion that divorce might be more lawfully permitted then usury.

Corasius recorded by *Helvicius* among the famous Lawyers hath been already cited of the same judgement.

Wesembecius a much nam'd Civillian in his comment on this law defends it, and affirms that our Saviour excluded not other faults equal

equall to adultery; and that the word fornication signifies larger among the Hebrewes then with us, comprehending every fault which alienates from him to whom obedience is due, and that the primitive Church interpreted so.

Grotius yet living, and of prime note among learned men requires plainly from the Canon to the antient civility, yea to the Mo-
saic law, as being most just and undeceivable. On the fifth of *Mass.* he saith, that Christ made no civil lawes, but taught us how to use law: that the law sent not a husband to the Judge about this matter of divorce, but left him to his owne conscience; that Christ therefore cannot be thought to send him; that adultery may be judg'd by a vehement suspicion; that the exception of adultery seems an example of other like offences; proves it from the manner of speech, the maxims of law, the reason of charity, and common equity.

These authorities without long search I had to produce, all excellent men, som of them such as many ages had brought forth none greater: almost the meanest of them might deserve to obtain credit in a singularity; what might not then all of them joyn'd in an opinion so consonant to reason? For although som speak of this cause, others of that, why divorce may be, yet all agreeing in the necessary enlargement of that textual straitnes, leave the matter to equity, not to literal bondage, and so the opinion closes. Nor could I have wanted more testimonies, had the cause needed a more sollicitous enquiry. But herein the satisfaction of others hath bin studied, not the gaining of more assurance to mine own persuasion: although authorities contributing reason withall, bee a good confirmation and a welcom. But God, I solemnly attest him, withheld from my knowledge the consenting judgement of these men so late, untill they could not bee my instructers, but only my unexpected witnesses to partial men, that in this work I had not given the worst experiment of an industry joyn'd with integrity and the free utterance though of an unpopular truth. Which yet to the people of *England* may, if God so please, prove a memorable informing; certainly a benefit which was intended them long since by men of highest repute for wisdom & piety *Bucer & Erasmus*: Only this one authority more, whether in place or out of place, I am not to omit; which if any can think a small one, I must bee patient,

tient it is no smaller then the whole assembl'd authority of Eng-
land both Church and State; and in those times which are on re-
 cord for the purest and sincerest that ever shon yet on the refor-
 mation of this Iland, the time of *Edward the 6th*. That worthy
 Prince having utterly abolisht the Canon Law out of his Domini-
 ons, as his Father did before him, appointed by full vote of Par-
 lament, a Comittie of two and thirty chosen men, Divines and
 Lawyers, of whom *Cramer* the Archbishop, *Peter Martyr*, and
Walter Haddon, (not without the assistance of Sir *John Cheeke* the
 Kings Tutor, a man at that time counted the learnedest of English-
 men, & for piety not inferior) were the cheif, to frame anew som
 Ecclesiastical Laws, that might be in stead of what was abrogated.
 The work with great diligence was finisht, and with as great ap-
 probation of that reforming age was receav'd, and had bin doubt-
 lesse, as the learned Preface thereof testifies, establish'd by Act of
 Parliament, had not the good Kings death so soon ensuing, arrested
 the furdur growth of Religion also, from that season to this.
 Those laws, thus founded on the memorable wisdome and piety
 of that religious Parliament and Synod, allow divorce and second
 marriage *not only for adultery or desertion, but for any capital enmity
 or plot laid against the others life, and likewise for evil and fierce usage;*
 nay the 12. Chap. of that title by plaine consequence declares, *that
 lesser contentions, if they be perpetual, may obtaine divorce:* which is
 all one really with the position by me held in the former treatise
 publish'd on this argument, herein only differing that there the
 cause of perpetual strife was put for example in the unchangeable
 discord of som natures; but in these lawes intended us by the best
 of our ancestors, the effect of continual strife is determin'd no un-
 just plea of divorce, whether the cause be naturall or wilfull. Where-
 by the warinesse and deliberation from which that discourse pro-
 ceeded, will appeare. & that God hath aided us to make no bad con-
 clusion of this point; seeing the opinion which of late hath under-
 gon ill censures among the vulgar, hath now prov'd to have don
 no violence to Scripture, unlesse all these famous Authors alleg'd
 have done the like; nor hath affirm'd ought more then what in-
 deed the most nominated Fathers of the Church both ancient and
 modern are unexpectedly found affirming, the lawes of Gods pe-
 culiar

cular people, & of primitive Christendom found to have practis'd, reformed Churches and States to have imitated, and especially the most pious Church-times of this Kingdom to have fram'd and publish'd, and, but for sad hindrances in the sudden change of religion, had enacted by Parliament. Hence forth let them who condemn the assertion of this book for new and licentious, be sorry; lest, while they think to be of the graver sort, and take on them to be teachers, they expose themselves rather to be pledg'd up and down by men who intimately know them, to the discovery and contempt of their ignorance and presumption.

The End.

Errata.

Pag. 57. lin. 16. and by them to prosecute, no comma between.

Pag. 88. lin. 3. Basilus Macedo, no comma between.
